AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41—No.43
3–3–76
PAGES
9083–9296

federal register

WEDNESDAY, MARCH 3, 1976

highlights

PART I:

LAW DAY, U.S.A.
Presidential proclamation 9083

EXPORT ADMINISTRATION
Executive order amending membership of the Export Administration Review Board and reserving certain Presidential authority 9085

MIGRATORY BIRD HUNTING
Interior/FWS proposes amendments; comments by 5–1–76 9177

PRIVACY ACT
Administrative Conference of the U.S. proposes to amend rules; effective 3–18–76 9188
FMC amends regulations; effective 3–3–76 9153

DEFENSE PROJECTS
DOD proposes rules for intergovernmental coordination of land and facilities; comments by 4–5–76 9173

SAVINGS AND LOAN ASSOCIATIONS
FHLBB adopts amendments on merger applications and policy statement concerning mergers (3 documents); effective 4–2–76 9131–9133

OVERSEAS COMMUNICATIONS
FCC establishes policy for licensing of future cable and satellite facilities 9227

PANAMA CANAL
Panama Canal Co. proposes procedures for consideration of environmental impacts; comments by 4–19–76 9203

NATIONAL WILDLIFE REFUGE SYSTEM
Interior/FWS issues regulations; effective 4–2–76 9166

ENERGY CONSUMPTION
DOT requests comments by 4–9–76 on the advisability of equipping cars with fuel flow meters 9221
DOT requests comments by 4–9–76 on fuel economy standards for electric and other non-fuel vehicles 9221

CRUDE OIL
FEA proposes to amend buy/sell program; comments by 3–16–76; hearing on 3–16–76 9196
FEA amends profit margin limitation; effective 1–1–76 9087

REFINER PRICE REGULATIONS
FEA proposal on order of recoupment of increased costs; comments by 3–17–76; public hearing on 3–18 and 3–19–76 9199

CONTINUED INSIDE

MEETINGS—

DOD: Defense Industry Advisory Group in Europe, 3–19–76 9247
AF: Scientific Advisory Board, 3–22, 3–23, 4–27 and 4–28–76 (2 documents) 9247
HEW/NIH: Chemical/Biological Information-Handling Review Committee, 3–30–76 9237
National Cancer Institute Advisory Committees, various dates in April (2 documents) 9238
National Heart and Lung Institute Board of Scientific Counselors, 4–23 and 4–24–76 9239
President's Cancer Panel, 4–1–76 9239
Interior/NPS: Sleeping Bear Dunes National Lakeshore Advisory Commission, 3–19–76 9249
Justice/Prisons: National Institute of Corrections Advisory Board, 3–15–76 9247
SBA: District Advisory Councils:
Louisville, 3–25 and 3–26–76 9235
Omaha, 3–25–76 9236
San Francisco, 3–26–76 9236
Washington, D.C., 3–26–76 9236
Treasury/IRS: Commissioner's Advisory Group, 3–22 and 3–23–76 9245
VA: Wage Committee, 4–8, 4–22, 5–6, 5–20, 6–3 and 6–17–76 9236

PART II:

PRIVACY ACT
VA proposes system of records; comments by 3–22–76 9293

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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.

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

federal register
Area Code 202 Phone 523–5240

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

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

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

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

Notices Defense Industry Advisory Group in Europe (DIAGE) --- 9247

contents

THE PRESIDENT

Proclamations

Law Day, U.S.A. ---- 9083

Executive Orders

Export administration, addition of member to Export Administration Review Board and reservation of certain Presidential authority ---- 9085

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Proposed Rules

Privacy Act; implementation ---- 9188

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Milk marketing orders:
Wyoming-Montana area ---- 9182

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

AIR FORCE DEPARTMENT

Notices

Meetings:
USAF Scientific Advisory Board (2 documents) ---- 9247

CENSUS BUREAU

Rules

Foreign trade statistics:
Republication of Part ---- 9134

CIVIL AERONAUTICS BOARD

Proposed Rules

Economic special and organization regulations:
Charter flights; correction ---- 9189

Notices

Hearings, etc.:
Singapore Airlines Ltd ---- 9222

COMMERCE DEPARTMENT

See also Census Bureau; National Technical Information Service.

Notices

Organization and functions:
Telecommunications Office ---- 9260

COMMODITY FUTURES TRADING COMMISSION

Proposed Rules

Commodity option transactions registration; fraud; correction ---- 9189

CUSTOMS SERVICE

Notices

Glazed ceramic wall tile from the Philippines; final negative countervailing duty determination ---- 9245

~~DEFENSE ADVISORY OFFICE~~

Notices

~~Meetings:~~
~~Defense Industry Advisory Group in Europe (DIAGE) 9247~~

DEFENSE DEPARTMENT

See also Air Force Department; Defense Advisor Office.

Rules

Military and civilian personnel; enlisted administrative separations ---- 9088

Proposed Rules

Intergovernmental coordination of DoD land and facility plans and projects ---- 9173

DEFENSE SUPPLY AGENCY

Rules

Supply procurement regulation; revision ---- 9093

ENVIRONMENTAL PROTECTION AGENCY

Notices

Environmental impact statements; availability ---- 9210

FARMERS HOME ADMINISTRATION

Notices

Disaster areas:
Delaware ---- 9249
Minnesota ---- 9249
Mississippi ---- 9250
North Carolina ---- 9250
Texas ---- 9250

FEDERAL COMMUNICATIONS COMMISSION

Rules

Telephone network; connection of terminal equipment:
Message toll telephone service (MTS) and wide area telephone service (WATS), interstate and foreign; classes; correction ---- 9154

Proposed Rules

FM broadcast stations; table of assignments:
California ---- 9190
Network Broadcasting by standard AM and FM broadcast stations ---- 9191
Radio frequency devices:
All-Channel television broadcast reception; receivers manufactured on or after July 1, 1971 ---- 9189

Notices

Communications common carriers:
Domestic public radio services; applications ---- 9222
Overseas communications; guidelines for TAT-6 cable utilization ---- 9227
Television programming; on-interconnected distribution to certain foreign stations ---- 9229
Hearings, etc.:
Lamar Life Broadcasting Co., et al ---- 9224
Radio Paging Service and Tel-Car, Inc ---- 9226

FEDERAL ELECTION COMMISSION

Notices

Report of independent expenditures on contributions by persons; request for comments on sample form ---- 9229

FEDERAL ENERGY ADMINISTRATION

Rules

Mandatory petroleum allocation regulations:
Elimination of profit margin limitation ---- 9087

Proposed Rules

Mandatory petroleum allocation regulations:
Crude oil supplier purchaser relationships ---- 9196
Refiner price regulations; order of recoupment of increased costs ---- 9199

FEDERAL HOME LOAN BANK BOARD

Rules

Federal Savings and Loan system:
Merger, dissolution, reorganization, and conversion; applications and policy; (2 documents) ---- 9131, 9133
Merger, consolidations; purchase of bulk assets by insured institutions ---- 9132

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program:
Areas eligible for sale of insurance (2 documents) ---- 9150–9152
Flood elevation determinations, etc.:
Colorado ---- 9153
Massachusetts ---- 9153

Proposed Rules

National Flood Insurance Program; flood elevation determinations, etc.:
Florida ---- 9188
Minnesota ---- 9185
New Jersey ---- 9184
Pennsylvania (3 documents) ---- 9183, 9186, 9187
Virginia ---- 9185

FEDERAL MARITIME COMMISSION

Rules

Privacy Act; implementation ---- 9153
Tariffs, filing by common carriers by water in foreign commerce of U.S ---- 9154

Notices

Oil pollution; certificates of financial responsibility ---- 9232
Agreements filed:
Japan/Korea and Gulf Freight Conference ---- 9233
Trans-Pacific Freight Conference of Japan/Korea ---- 9233

FEDERAL PAPERWORK, COMMISSION ON

Notices

Hearing ---- 9233

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Albert Thornbrough, et al 9213
Appalachian Power Co. (2 documents) 9214
Columbia Gas Transmission Corp 9214
Consumers Power Co 9214
El Paso Natural Gas Co 9215
Florida Power and Light Co 9215
Green Mountain Power Corp 9215
Metropolitan Edison Co 9215
Michigan Wisconsin Pipe Line Co. (2 documents) 9215
Mid Louisiana Gas Co 9216
National Fuel Gas Supply Corp 9216
Natural Gas Pipeline Company of America 9216
Northern Natural Gas Co. (3 documents) 9216, 9217
Northwest Pipeline Corp 9217
Ohio Power Co. (2 documents) 9217
Public Service Company of New Mexico 9217
South Carolina Electric and Gas Co 9218
Southern Natural Gas Co. (3 documents) 9218, 9219
South Georgia Natural Gas Co 9219
Trunkline Gas Co 9219
Utah Power and Light Co 9220

FEDERAL RESERVE SYSTEM
Notices
Applications:
Blair Banco, Inc 9233
Clevetrust Corp 9233
Roaring Fork Bancorporation 9234
Vermillion Bankshares, Inc 9234

FISH AND WILDLIFE SERVICE
Rules
National Wildlife Refuge System units; public use 9166
Proposed Rules
Migratory bird hunting:
Establishment of seasons, limits and shooting hours 9177

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds and related products:
Animal drug procedure; reorganization and republication; correction 9149
Pyrantel Tartrate 9150
Proposed Rules
Registration of producers of drugs and listing of drugs in commercial distribution; revision of times for annual registration 9183
Notices
Committees; establishment, renewals, etc.:
Pulmonary-Allergy and Clinical Immunology Advisory Committee 9237
Diagnostic X-ray systems and major components; extension of variance 9236

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Stillman Point Planning Unit, Idaho 9250

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc 9234

HAZARDOUS MATERIALS OPERATIONS OFFICE
Notices
Applications; exemptions, renewals, etc.:
Defense Department, et al 9220

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; National Institutes of Health; Public Health Service.
Notices
Organization, functions, and authority delegations:
National Center for Toxicological Research (NCTR) 9240
Social and Rehabilitation Service 9242
Social Security Administration; uniform review procedures 9242

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU
Notices
Land transfer:
Turtle Mountain Reservation, North Dakota 9247

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE
Notices
Meetings:
Commissioner's Advisory Group 9245

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Chain door locks 9235
Coffee, Angolan Robusta 9234
Hydraulic Tappets II 9235

INTERSTATE COMMERCE COMMISSION
Rules
Compensating balances and short-term borrowing arrangements; disclosures 9154
Short-term obligations expected to be refinanced; classification 9161
Proposed Rules
Remittance of demurrage charges by common carriers of property by rail 9202
Notices
Car service exemptions, mandatory 9263
Fourth section applications for relief 9262
Hearing assignments 9262
Motor carriers:
Alternate route deviation notices 9282
Applications and certain other proceedings 9283
Intrastate applications 9287
Irregular route property carriers; gateway elimination 9263
Temporary authority applications 9288
Rerouting of traffic:
Association of American Railroads 9262
Penn Central Transportation Co 9262

JUSTICE DEPARTMENT
See Prisons Bureau.

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
Alaska 9248

MATERIALS TRANSPORTATION BUREAU
Proposed Rules
Hazardous materials regulations; proposed rulemaking 9188

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Advisory committees (3 documents) 9238, 9239
Artificial Kidney-Chronic Uremia Advisory Committee 9237
Cancer Institutional Fellowship Review Committee 9237
Chemical/Biological Information—Handling Review Committee 9237
National Commission on Arthritis and Related Musculoskeletal Diseases 9237
National Heart and Lung Institute Board of Scientific Counselors 9239
President's Cancer Panel 9239

NATIONAL PARK SERVICE
Notices
Historic Places National Register; Pending nominations 9248
Meetings:
Sleeping Bear Dunes National Lakeshore Advisory Commission 9249

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Inventions, government-owned; availability for licensing (7 documents) 9250–9259

PANAMA CANAL COMPANY
Notices
Environmental impact statements; proposed procedures for consideration 9203

PUBLIC HEALTH SERVICE

Notices

National Institutes of Health; organization, functions, authority delegations ---------- 9241

PRISONS BUREAU

Notices

Meetings:
National Institute of Corrections Advisory Board---------- 9247

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
NIA Corp---------- 9235
East West United Investment Co ---------- 9235
Disaster areas:
Maine ---------- 9235
Meetings, advisory councils:
Louisville District---------- 9235
Omaha District---------- 9236
San Francisco District---------- 9236
Washington, D.C. District---------- 9236

TRANSPORTATION DEPARTMENT

See also Hazardous Materials Operations Office; Materials Transportation Bureau.

Notices

Fuel economy standards for electric and other non-fuel vehicles; request for information and public comment---------- 9221
Fuel flow meters; request for information and public comment.. 9221

TREASURY DEPARTMENT

See also Customs Service; Internal Revenue Service.

Notices

Antidumping:
Water circulating pumps from United Kingdom---------- 9245
Notes, Treasury:
Series C–1980---------- 9246

VETERANS ADMINISTRATION

Proposed Rules

Obsolete provisions; deletion of.. 9201

Notices

Meetings:
VA Wage Committee---------- 9236
Privacy Act of 1974:
Systems of records---------- 9293

list of cfr parts affected in this issue

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

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

1 CFR

PROPOSED RULES:

304 ... 9188

3 CFR

PROCLAMATIONS:

4420 ... 9083

EXECUTIVE ORDERS:

10945 (See EO 11907) ... 9085
11533 (Amended by EO 11907) ... 9085
11846 (See EO 11907) ... 9085
11907 ... 9085

7 CFR

PROPOSED RULES:

1140 ... 9182

10 CFR

205 ... 9088
210 ... 9088
212 ... 9088

PROPOSED RULES:

211 ... 9196
212 (2 documents) ... 9196, 9199

12 CFR

546 ... 9131
556 ... 9133
563 ... 9132
571 ... 9133

14 CFR

PROPOSED RULES:

103 ... 9188
207 ... 9189
208 ... 9189
212 ... 9189
214 ... 9189
217 ... 9189
241 ... 9189
249 ... 9189
371 ... 9189
389 ... 9189

15 CFR

30 ... 9134

17 CFR

PROPOSED RULES:

32 ... 9189

21 CFR

135c ... 9149
135d ... 9149
135e ... 9149
520 ... 9149
522 ... 9150
540 ... 9150
555 ... 9150
558 (2 documents) ... 9150

PROPOSED RULES:

207 ... 9183

24 CFR

1914 (2 documents) ... 9150–9152
1917 ... 9153
1920 ... 9153

PROPOSED RULES:

1917 (7 documents) ... 9183–9188

32 CFR

41 ... 9088
1201 ... 9093
1202 ... 9105
1203 ... 9106
1204 ... 9110
1205 ... 9110
1206 ... 9112
1207 ... 9114
1208 ... 9115
1209 ... 9116
1210 ... 9116
1212 ... 9116
1213 ... 9117
1214 ... 9118
1215 ... 9119
1216 ... 9119
1217 ... 9123
1219 ... 9123
1220 ... 9124
1221 ... 9124
1225 ... 9125
1250 ... 9125

PROPOSED RULES:

243 ... 9173

38 CFR

PROPOSED RULES:

3 ... 9201

46 CFR

503 ... 9153
536 ... 9154

PROPOSED RULES:

64 ... 9188
146 ... 9188

47 CFR

2 ... 9154
68 ... 9154

PROPOSED RULES:

15 ... 9189
73 (2 documents) ... 9190, 9191

49 CFR

1201 (2 documents) ... 9157, 9162
1202 (2 documents) ... 9157, 9162
1203 (2 documents) ... 9157, 9162
1204 (2 documents) ... 9158, 9163
1205 (2 documents) ... 9158, 9163
1206 (2 documents) ... 9159, 9164
1207 (2 documents) ... 9159, 9164
1208 (2 documents) ... 9159, 9165
1209 (2 documents) ... 9160, 9165
1210 (2 documents) ... 9160, 9166

PROPOSED RULES:

171 ... 9188
179 ... 9188
Ch. X ... 9202

50 CFR

25 ... 9166
26 ... 9167
27 ... 9168
28 ... 9171

PROPOSED RULES:

20 ... 9177

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

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

1 CFR

Ch. 1 8765

PROPOSED RULES:

304 9188

PROCLAMATIONS:

4420 9083

EXECUTIVE ORDERS:

10945 (See Ed 11907) 9085
11533 (Amended by Ed 11907) 9085
11846 (See Ed 11907) 9085
11907 9085

7 CFR

331 8943
354 ..... 8765, 8944
905 8765
989 8944

PROPOSED RULES:

1140 9182

9 CFR

56 8944
331 8945
381 8945

10 CFR

205 9088
210 9088
212 9088

PROPOSED RULES:

211 9196
212 ..... 9196, 9199

12 CFR

337 8946
546 9131
556 9133
563 9132
571 9133

PROPOSED RULES:

545 8980

13 CFR

PROPOSED RULES:

107 8800

14 CFR

39 8766

PROPOSED RULES:

91 8797
103 9188
207 9189
208 9189
212 9189
214 9189
217 9189
241 9189
249 9189
371 9189
389 9189

15 CFR

30 9134
50 8767

16 CFR

PROPOSED RULES:

437 8980
1201 8798

17 CFR

200 8949
250 8767

PROPOSED RULES:

32 9189
270 8799

19 CFR

159 8950

PROPOSED RULES:

1 8800

21 CFR

123 8975
135c 9149
135d 9149
135e 9149
520 9149
522 ..... 8976, 9150
540 9150
555 9150
558 9150
561 ..... 8768, 8975

PROPOSED RULES:

207 9183
1303 8794

23 CFR

633 ..... 8769, 8950

24 CFR

1914 9150–9152
1916 ..... 8950, 8951
1917 9153
1920 ..... 8951–8954, 9153

PROPOSED RULES:

570 8797
888 8882
1917 ..... 8978, 9183–9188

26 CFR

Ch. 1 8769

PROPOSED RULES:

1 8800
20 8800

29 CFR

60 8954
89 9066
1952 8955
2609 8769

32 CFR

41 9088
1201 9093
1202 9105
1203 9106

32 CFR—Continued

1204 9110
1205 9110
1206 9112
1207 9114
1208 9115
1209 9116
1210 9116
1212 9116
1213 9117
1214 9118
1215 9119
1216 9119
1217 9123
1219 9123
1220 9124
1221 9124
1225 9125
1250 9125

PROPOSED RULES:

243 9173
1450 8984
1451 8984
1470 8984
1471 8984
1472 8984
1473 8984
1474 8984
1475 8984
1477 8984
1480 8984
1498 8984
1499 8984

33 CFR

82 8769

PROPOSED RULES:

110 8794

38 CFR

PROPOSED RULES:

3 9201

40 CFR

52 ..... 8769, 8770
180 8770

PROPOSED RULES:

180 8798

41 CFR

14–7 8973
14–10 8972
14–11 8975
101–11 3771

43 CFR

PROPOSED RULES:

3206 8794

PUBLIC LAND ORDERS:

5572 8975

45 CFR

99 9062
177 8975

45 CFR—Continued

1228 8791
1501 8790

46 CFR

401 8775
503 9153
536 9154

PROPOSED RULES:

64 9188
146 9188

47 CFR

2 9154
68 9154
73 ..... 8777, 8779
97 8780

47 CFR—Continued

PROPOSED RULES:

15 9189
73 ..... 8799, 9190, 9191
83 8799

49 CFR

571 8783
1033 ..... 8790, 8971, 8972
1100 8790
1201 ..... 9157, 9162
1202 ..... 9157, 9162
1203 ..... 9157, 9162
1204 ..... 9158, 9163
1205 ..... 9158, 9163
1206 ..... 9159, 9164

49 CFR—Continued

1207 ..... 9159, 9164
1208 ..... 9159, 9165
1209 ..... 9160, 9165
1210 ..... 9160, 9166

PROPOSED RULES:

171 9188
179 9188
390 8979
Ch. X 9202

50 CFR

25 9166
26 9167
27 9168
28 9171

PROPOSED RULES:

20 9177

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
8765–8941	1
8943–9082	2
9083–9296	3

reminders

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

Rules Going Into Effect Today

HEW/FDA—Cosmetic Labeling; Designation of Ingredients; Confirmation of effective date and stay of certain provisions..... 8924; 3–3–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Food and Nutrition Service—
Nonfood assistance program; comments by 3–10–76..... 5826; 2–10–76

Rural Electrification Administration—
Proposed revision of REA specification PE–62 for station carrier equipment; comments by 3–8–76. 5402; 2–6–76

ENVIRONMENT PROTECTION AGENCY

Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; proposed exemption from requirement of a tolerance Bacillus Thurigiensis, Berliner; comments by 3–8–76. 5291; 2–5–76

FEDERAL COMMUNICATIONS COMMISSION

Cable television system regular subscriber rates; comments by 3–12 and 4–9–76..... 5407; 2–6–76

Intra-urban passenger motor carriers; clarification of frequency loading criteria; comments by 3–11–76. 57369; 12–9–75

Television broadcast signal for captioning for the deaf; vertical blanking interval; comments by 3–10–76. 5834; 2–10–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Social and Rehabilitation Service—
Social welfare research and demonstration projects; comments by 3–8–76 ..... 5403; 2–6–76

Social Security Administration—
Federal Coal Mine Health and Safety Act of 1969, as amended, title IV, Black Lung Benefits; administrative actions that are initial determinations; comments by 3–8–76. 5405; 2–6–76

INTERSTATE COMMERCE COMMISSION

Motor common carriers of passengers; adequacy of service; comments by 3–8–76..... 59604; 12–29–75

JUSTICE DEPARTMENT

Immigration and Naturalization Service—
Orphans adopted by U.S. Citizens, (unmarried); filing of petitions for visas; comments by 3–9–76. 5401; 2–6–76

SMALL BUSINESS ADMINISTRATION

Small Business size standards; definition of small business for purpose of surety bond guarantee assistance; comments by 3–11–76..... 5837; 2–10–76

DEPARTMENT OF TRANSPORTATION

Coast Guard—
Drawbridge operation; Missouri river, Iowa; comments by 3–12–76. 3745; 1–26–76

Federal Aviation Administration—
Jet routes, Atlanta, Ga., and New Orleans, Louisiana and Memphis, Tenn.; comments by 3–8–76. 5406; 2–6–76

Federal Highway Administration—
Automatic device for reducing front-wheel braking effort on all commercial vehicles; comments by 3–12–76..... 57369; 12–9–75

National Highway Traffic Safety Administration—
School bus; emergency exit requirements; comments by 3–12–76. 3879; 1–27–76

TREASURY DEPARTMENT

Bureau of Alcohol, Tobacco and Firearms—
Black powder; commerce in firearms and ammunition, and in explosives; comments by 3–8–76..... 3877; 1–27–76

VETERANS ADMINISTRATION

Privacy Act of 1974; comments by 3–8–76..... 5303; 2–5–76

Veterans benefits; apportionments; comments by 3–8–76..... 5303; 2–5–76

Veterans benefits; annual income; comments by 3–8–76..... 5304; 2–5–76

Next Week's Meetings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Fresh pears, plums, and peaches grown in Cal.; marketing agreement; comments by 3–12–76. 7950; 2–23–76

Raisins produced from grapes grown in Cal., comments by 3–9–76. 7956; 2–23–76

Cooperative State Research Service—
Cooperative Forestry Research Advisory Board and Advisory Committee, to be held in Fort Collins, Colorado (open), 3–10 thru 3–12–76..... 7437; 2–18–76

Farmers Home Administration—
Fremont National Forest Grazing Advisory Board; to be held in Lakeview, Oregon; (open); 3–9–76. 5141; 2–4–76

Forest Service—
Rock Creek Advisory Committee; to be held in Drummond, Montana (open), 3–11–76.... 6780; 2–13–76

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee, to be held in New Brunswick, New Jersey, (open) 3–9–76..... 7445; 2–18–76

COMMERCE DEPARTMENT

Domestic and International Business Administration—
Computer Systems Technical Advisory Committee, Hardware Subcommittee to be held in Washington, D.C. (open with restrictions), 3–9–76. 52075; 11–7–75

East-West Trade Advisory Committee; to be held in Washington, D.C. (open); 3–10–76.... 5643; 2–9–76

Energy Programs Office—
National Industrial Energy Council; to be held in Washington, D.C. (open); 3–10–76..... 5414; 2–6–76

Maritime Administration—
Second National Conference on Domestic Shipping; to be held in New Orleans, La., 3–9, 3–10, 3–11–76. 53608; 11–19–75

National Bureau of Standards—
Federal Information Processing Standards Coordinating Committee; to be held in Gaithersburg, Maryland (open), 3–11–76.... 3766; 1–26–76

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on the Economic Role of Contract Markets; to be held at Chicago (open), 3–11–76. 8208; 2–25–76

Advisory Committee on the Economic Role of Contract Markets; to be held in Washington, D.C. (open with restrictions), 3–11–76. 53068; 11–14–75

DEFENSE DEPARTMENT

Navy Department—
Naval Research Advisory Committee, to be held in San Diego, Cal. (closed), 3–11 and 3–12–76. 7967; 2–23–76

ENVIRONMENTAL PROTECTION AGENCY

State-Federal FIFRA Implementation Advisory Committee; to be held in Washington, D.C. (open), 3–10–76. 5349; 2–5–76

State-Federal FIFRA Implementation Advisory Committee Working Group on Certification; to be held in Atlanta, Georgia (open), 3–10 and 3–11–76. 2274; 1–15–76

State-Federal Water Programs Advisory Committee; to be held in Dallas, Texas (open), 3–9–76..... 7991; 2–23–76

FEDERAL POWER COMMISSION

National Gas Survey, Supply-Technical Advisory Task Force-Non-Conventional Natural Gas Resources Sub-Task Force II: Methane in Coal; to be held in Washington, D.C. (open), 3–8–76. 3780; 1–26–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

National Advisory Council on Adult Education; to be held in Los Angeles, California (open), 3–10 through 3–12–76.... 6789; 2–13–76

Women's Educational Programs Advisory Council; to be held in Washington, D.C. (open), 3–12–76. 7978; 2–23–76

National Institutes of Health—

Digestive Diseases Advisory Council, to be held in Bethesda, Maryland (open), 3–10 thru 3–12–76. 7441; 2–18–76

National Commission on Arthritis and Related Musculoskeletal Diseases; to be held in Bethesda, Maryland (open), 3–9–76..... 7540; 2–19–76

National Large Bowel Cancer Project Working Cadre; to be held in Houston, Tex. (open with restrictions), 3–8 and 3–9–76 .. 6307; 2–12–76

Periodontal Diseases Advisory Committee to be held in Bethesda, Md. (open), 3–10 and 3–11–76. 2842; 1–20–76

Dental Caries Program Advisory Committee to be held in Bethesda, Md. (open), 3–8 and 3–9–76. 2842; 1–20–76

Office of the Assistant Secretary for Health—

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; to be held in Bethesda, Md. (open with restrictions), 3–12 through 3–14–76..... 3500; 1–23–76

National Professional Standards Review Council; to be held in Washington, D.C. (open), 3–8 and 3–9–76..... 7541; 2–19–76

Office of the Secretary—

President's Biomedical Research Panel; to be held in Washington, D.C. (open), 3–14 thru 3–16–76. 7979; 2–23–76

INTERIOR DEPARTMENT

Land Management Bureau—

Worland District Multiple-Use Advisory Board; to be held in Worland, Wyo. (open); 3–11 & 3–12–76. 4946; 2–3–76

National Park Service—

William Howard Taft National Historic Site; to be held in Cincinnati, Ohio (open), 3–13–76.... 7162; 2–17–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

Guards and Investigations Committee of the Private Security Advisory Council; to be held in Washington, D.C. (open); 3–10 and 3–11–76. 5642; 2–9–76

National Advisory Committee on Criminal Justice Standards and Goals, to be held in Arlington, Va. (open), 3–10 thru 3–12–76. 7967; 2–23–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Stratospheric Research Advisory Committee; to be held in Pasadena, California (open); 3–9 and 3–10–76. 5456; 2–6–76

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

To be held at Washington, D.C. (open), 3–12–76..... 8235; 2–25–76

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Advisory Panel; to be held in Washington, D.C. (closed); 3–14, 3–15, and 3–16–76.... 5680; 2–9–76

Federal-State Partnership Advisory Panel; to be held in Washington, D.C. (closed), 3–10 thru 3–12–76. 7998; 2–23–76

NATIONAL SCIENCE FOUNDATION

Ad Hoc Advisory Group on Science Programs; to be held at Washington, D.C. (open), 3–12 and 3–13–76. 8236; 2–25–76

Subpanel on Comprehensive Assistance to Undergraduate Science Education (CAUSE); to be held in Washington, D.C. (closed), 3–10 and 3–11–76. 7998; 2–23–76

Task Group 11 of the Advisory Committee for Research; to be held in Washington, D.C. (open), 3–10–76. 7998; 2–23–76

Advisory Panel for Molecular Biology; to be held in Washington, D.C. (open), 3–8 and 3–9–76..... 7599; 2–19–76

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

To be held in various cities (closed), 3–11–76..... 8236; 2–25–76

STATE DEPARTMENT

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; to be held in Washington, D.C. (open), 3–10–76..... 7967; 2–23–76

U.S. National Committee for the International Telegraph and Telephone Consultative Committee, to be held in Washington, D.C. (open), 3–10–76. 7432; 2–18–76

TRANSPORTATION DEPARTMENT

Coast Guard—

Task Group on Liquefied Gas Facilities; to be held in Washington, D.C., (open), 3–10 and 3–11–76. 7980; 2–23–76

Federal Railroad Administration—

Railroad Operating Rules Advisory Committee; to be held in Harrisburg, Pa., (open), 3–11 and 3–12–76..... 7983; 2–23–76

National Highway Traffic Safety Administration—

National Motor Vehicle Safety Advisory Council; to be held in Washington, D.C. (open), 3–9 through 3–12–76..... 7546; 2–19–76

Next Week's Public Hearings

FEDERAL ENERGY ADMINISTRATION

Residual fuel oil; proposed exemption from mandatory petroleum allocation and price regulations; hearing to be held in Washington, D.C. (open). 7122; 2–17–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Interstate Land Sales Registration Office—

Rolling Hills Estates, to be held in Washington, D.C., 3–9–76. 7443; 2–18–76

List of Public Laws

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

presidential documents

Title 3—The President

PROCLAMATION 4420

Law Day, U.S.A., 1976

By the President of the United States of America

A Proclamation

Liberty is the hallmark of the American experience—liberty from the tyranny of foreign domination and liberty from tyranny at home. To ensure our domestic liberty, based on our faith that all men are endowed by their Creator with certain unalienable rights, the Constitution of the United States of America guarantees certain rights and privileges to every citizen. Among those are: freedom of speech, freedom of the press, freedom of religion, the right to assemble and petition, and the right to due process of law.

Throughout our history, the preservation of those individual rights has been dependent upon our dedication to the rule of law.

To encourage the cultivation of that respect for law which is so vital to the spirit of democracy, the Congress, by Joint Resolution approved April 7, 1961 (75 Stat. 43, 36 U.S.C. 164), has requested the President to issue a proclamation calling upon the people of the United States to celebrate the first day of May as Law Day, U.S.A.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, invite the American people to celebrate Saturday, May 1, 1976, as Law Day, U.S.A., and to mark its observance with programs and ceremonies as befits our great heritage of 200 years of liberty and law.

I urge clergymen of all faiths to bring to public attention through sermons and suitable programs the moral and ethical dimensions of the law.

I urge also that schools, civic and service organizations, public bodies, libraries, the courts, the legal profession and the communications media participate in the observance of Law Day. And I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-6253 Filed 3-1-76;3:36 pm]

Executive Order 11907 • March 1, 1976

Relating to the Administration of the Export Administration Act of 1969

By virtue of the authority vested in me by the Export Administration Act of 1969, as amended, and as President of the United States of America, Executive Order No. 11533 of June 4, 1970, is hereby amended as follows:

SECTION 1. Section 1 is amended to read: "The power, authority, and discretion conferred upon the President by the provisions of the Export Administration Act of 1969, as amended, hereinafter referred to as the Act (50 U.S.C. App. 2401 *et seq.*), are hereby delegated to the Secretary of Commerce, with power of successive redelegation, except that, the power, authority and discretion conferred upon the President in Section 4(h) of the Act (50 U.S.C. App. 2403(h)) is retained by the President.".

SEC. 2. Section 2 is amended to read: "The Export Control Review Board established by Section 2 of Executive Order No. 10945 of May 24, 1961, is hereby reestablished as the Export Administration Review Board, hereinafter referred to as the Board. The Board shall be composed of the Secretary of Commerce, who shall be Chairman of the Board, the Secretary of State, the Secretary of Defense, and the Chairman of the East-West Foreign Trade Board (Section 7 of Executive Order No. 11846, as amended). No alternative Board members shall be designated, but the acting head of any department may serve in lieu of the head of the department concerned. In the case of the East-West Foreign Trade Board, the Deputy Chairman may serve in lieu of the Chairman. The Board may invite the heads of other Government organizations and agencies to participate in the activities of the Board when matters of interest to such organizations and agencies are under consideration.".

Gerald R. Ford

THE WHITE HOUSE,
March 1, 1976.

[FR Doc.76-6254 Filed 3-1-76;3:36 pm]

rules and regulations

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

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

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

ELIMINATION OF PROFIT MARGIN LIMITATION

The Federal Energy Administration ("FEA") hereby amends Title 10, Parts 205, 210, and 212 of the FEA regulations to delete the profit margin limitation on the passthrough by refiners of increased non-product costs.

The profit margin limitation applies to refiners which raise a price above base price to passthrough, on a dollar-for-dollar basis, certain increased non-product costs. Refiners subject to the limitation may not exceed their base period profit margin, which is calculated using (at the option of the firm) any two fiscal years ending after August 15, 1968, other than the current fiscal year. The profit margin is essentially the ratio of the refiner's operating income to net sales and is computed using all income and sales of all domestic divisions of the entire firm.

I. Summary of Rulemaking Proceedings

A. *Mandatory Petroleum Price Regulations (39 FR 32717, September 10, 1974).* On September 6, 1974, FEA issued a notice of proposed rulemaking in which FEA proposed revising the profit margin limitation to include only activities related to the manufacture, service, and sale of covered products (*i.e.*, products subject to regulation under the Emergency Petroleum Allocation Act of 1973, as amended, "EPAA") and invited suggestions as to whether the profit margin limitation should be changed from a percentage test (ratio of operating income to net sales) to an absolute dollars-per-unit test.

Many areas of concern were raised by the comments to the notice of proposed rulemaking and FEA determined that the complex issues associated with the profit margin limitation needed further study.

B. *Modification of Refiners' Profit Margin Limitation, (40 FR 28634, July 8, 1975).* On July 1, 1975, FEA issued a notice of proposed rulemaking and on August 14, 1975, held a public hearing on a further proposal to modify the profit margin limitation. There were four proposed modifications:

1. To express the limitation as an absolute dollar amount of profit per unit sold, adjusted for inflationary factors;

2. To include only revenues and costs attributable to domestic refining and marketing of petroleum products;

3. To permit refiners to choose any two fiscal years between August 1, 1968 and May 15, 1973 as base period years; and

4. To make clear FEA's position that refiners use generally accepted accounting principles, consistently applied.

The expiration of the Emergency Petroleum Allocation Act of 1973 ("EPAA") on August 31, 1975 and the uncertainty created by its successive extensions delayed a decision on this proposal.

C. *Refiners' Profit Margin Limitation (41 FR 1295, January 7, 1976).* On December 31, 1975, FEA issued a notice of proposed rulemaking and on January 30, 1976, held a public hearing on a proposal to expand FEA's consideration of the amendment to the profit margin limitation, to include a proposal to eliminate the limitation. When the President signed the Energy Policy and Conservation Act ("EPCA") on December 22, 1975, he directed FEA to begin immediately, as authorized by law, to review and remove all unnecessary existing price and allocation regulations. FEA determined that the profit margin limitation was appropriate for such a review and expanded the scope of its proposal accordingly.

II. Elimination of Profit Margin Limitation

In response to the President's December 22, 1975 directive to review and remove all unncessary price and allocation regulations and in accordance with Congressional intent as stated in the EPCA, FEA has reviewed the comments received during the rulemaking proceedings. FEA has concluded that the profit margin limitation, which serves essentially as a secondary—and therefore somewhat redundant—price control mechanism, should be eliminated from the regulations.

The impact of the two proposals presented for consideration would be similar. Adoption of the modifications proposed in July would eliminate certain anomalies that are caused by the operation of the current rule, and thereby tend to minimize the profit margin as a constraint on passthrough by refiners of non-product costs. The principal regulatory constraint in this regard is in the dollar-for-dollar increased non-product cost passthrough regulations.

The total activities of a refiner, whether related or unrelated to petroleum activities, were included in refiners' profit margin calculations. As FEA stated in its July proposal to modify the profit margin limitation so that it would apply only to revenues derived from the refining and marketing of petroleum (*i.e.*, to exclude revenues and costs attributable to activities unrelated to products within the scope of the EPAA and to crude oil production activities):

There are two primary reasons for modifying the profit margin limitation with respect to the activities it covers. First, because revenues derived from all activities of a firm including those unrelated to petroleum are now included in the profit margin calculation, the limitation neither accurately reflects nor effectively controls profits derived from petroleum and therefore does not function effectively as a backstop for the price regulations, its primary purpose. Second, one of the goals of the FEA is to increase domestic production of crude oil thereby making the United States less dependent on imported crude. To accomplish this goal there are incentives built into the regulations to allow firms to generate sufficient capital for use in increasing their domestic production of crude petroleum. By including the crude oil production activities of a firm in its profit margin calculation, these incentives to increase production are obtained only at the expense of lowered margins on refining and marketing operations. When major integrated companies operate their refineries at less than normal margins, independent refiners which do not engage in crude oil production must also lower their margins to continue to compete and thereby become less viable economic entities. (Notice of Proposed Rulemaking, July 8, 1975, 40 FR 28634.)

FEA has concluded on the basis of comments received that these considerations fully support removal of such activities from the scope of any profit margin limitation. The inclusion of such activities in the profit margin calculation is the principal reason that the profit margin limitation has served to restrain the passthrough of increased non-product costs by certain refiners.

FEA has further concluded, on the basis of comments received, that the profit margin limitation should also be discontinued with respect to the refining and marketing activities of refiners. This is principally because the profit margin limitation, as applied to refining and marketing activities, would have had only marginal, if any, impact beyond the limitations on the dollar-for-dollar passthrough of non-product costs already imposed by the regulations with respect to increased non-product costs. The marginal usefulness of the profit margin limitation does not justify the administrative complexities and negative economic impacts which it entails.

The formulas set forth in Part 212 for computing the maximum lawful selling price for petroleum products allow refiners to pass through in their selling prices, as price increases above the May 15, 1973 selling price, only non-product cost increases *actually incurred*. The dollar-for-dollar limitation on the passthrough of increased non-product costs therefore in itself restricts refiners' absolute dollar per unit profit margins for refining and marketing operations, and provides an appropriate and adequate means of regulating the passthrough of non-product cost increases.

The elimination of the profit margin limitation, as applied to refining and marketing operations, is therefore principally the removal of a largely unnecessary and unduly complex secondary price control.

The FEA regulations are hereby amended to delete the profit margin limitation effective January 1, 1976. A firm which is subject to the profit margin limitation during any fiscal year completed before January 1, 1976 must comply with the profit margin rules for that completed fiscal year.

In response to requests contained in the notices of proposed rulemaking issued July 1, 1975 and December 31, 1975, a number of refiners submitted confidential non-product cost increase data to the FEA, and the inflationary impact of this amendment has been considered by the FEA consistent with Executive Order 11821, issued November 27, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790; 39 FR 23185)

In consideration of the foregoing, Parts 205, 210, and 212 of Chapter II, Title 10 Code of Federal Regulations, are amended as set forth below, effective January 1, 1976.

Issued in Washington, D.C., February 26, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

§§ 205.240–205.243 [Removed]

1. Sections 205.240–205.243 (Subpart 5) of Part 205 are removed.

PART 210—GENERAL ALLOCATION AND PRICE RULES

2. Section 210.31 is revised to read as follows:

§ 210.31 Scope.

Price adjustments and allocation provisions with respect to items and transactions set forth in this Subpart are exempt from and not included within the coverage of this Chapter.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.3 [Removed]

3. Section 212.3 is deleted.

§ 212.11 [Removed]

4. Section 212.11 is deleted.

§ 212.31 [Amended]

5. Section 212.31 is amended by deleting the definitions of "base period," "base period profit margin," and "profit margin."

6. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part.

§ 212.82 [Amended]

7. Section 212.82 is amended by deleting paragraph (d).

§ 212.151 [Removed]

8. Section 212.151 (Subpart J) is removed.

9. Section 212.161 is amended by revising paragraph (b)(2)(iii) to read as follows:

§ 212.161 Applicability and relationship to other Subparts.

* * * * *

(b) * * *

(2) * * *

(iii) *Calculation of increased non-product costs.*

Such refiners shall calculate increased non-product costs attributable to natural gas processing pursuant to § 212.165, and shall add the amount of increased non-product costs so determined to the amount of increased non-product costs incurred in each month of measurement and determined to be allocable to prices charged for covered products pursuant to § 212.87(b).

* * * * *

[FR Doc.76-5966 Filed 2-27-76;9:40 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 41—ENLISTED ADMINISTRATIVE SEPARATIONS

The Deputy Secretary of Defense has approved the following revised Part 41. This part updates the basis and procedures upon which enlisted personnel may be administratively separated from the Armed Forces. A significant change in terminology is made by eliminating "unfitness" as a separate category of reasons for discharge.

The revised Part 41 reads as follows:

Sec.
41.1 Purpose.
41.2 Applicability.
41.3 Definitions.
41.4 Policy.
41.5 Administrative Discharge Board.
41.6 Responsibilities.
41.7 Reasons for separation.
41.8 Retention or separation.
41.9 Characterization of Service.
41.10 Restriction on certain administrative discharges.
41.11 Procedures for discharge.
41.12 Suspension of execution of approved discharge.
41.13 Effective date and implementation.

AUTHORITY: R.S. 161; (10 U.S.C. 1162, 1163, 1169, 1170, 1171, 1172, 1173).

§ 41.1 Purpose.

This part updates the policies, standards, and procedures which govern the administrative separation of enlisted persons from the Armed Forces.

§ 41.2 Applicability.

The provisions of this part apply to the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps and, by agreement with the Secretary of Transportation, to the Coast Guard.

§ 41.3 Definitions.

(a) *Member.* An enlisted man or woman of the Armed Forces.

(b) *Discharge.* Complete severance from all military status.

(c) *Release from Active Duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(d) *Separation.* A general term which includes discharge and release from active duty.

(e) *Administrative Separation.* Discharge or release from active duty upon expiration of enlistment or required period of service, or before, in the manner prescribed herein or by law, but specifically excluding separation by sentence of general or special court-martial.

(f) *Military Record.* Comprises a member's behavior while in military service, including general comportment and performance of duty.

(g) *Prior Enlistment or Period of Service.* Service in any component of the Armed Forces which culminated in the issuance of a discharge certificate or certificate of service.

(h) *Administrative Discharge Board.* Appointed to render findings based on facts obtaining, or believed to obtain, in a case and to recommend retention in the Service or discharge, with reason for and the type of separation or discharge certificate to be furnished.

(i) *Discharge Authority.* As established herein and implemented by regulations issued by an Armed Force, an official authorized to take final action with respect to specified types of separation.

(j) *Respondent.* A member of the Armed Forces who has been notified that action has been initiated to discharge him under a specified Service regulation.

(k) *Counsel.* A lawyer, within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice, unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel.

(l) *Characterization of Service for Administrative Separation.* A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are: (1) Honorable, (2) Under Honorable Conditions (General Discharge), and (3) Under Other Than Honorable Conditions (Undesirable Discharge).

(m) *Minority Group.* A segment of the population that possesses common traits that are transmissable by descent or common characteristics and a cultural herit-

age significantly different from that of the general population. Such groups include, but are not limited to Negroes, American Indians, Mexican Americans, Puerto Ricans, Eskimos, Aleuts, Asian Americans and Spanish-Surnamed Americans.

§ 41.4 Policy.

(a) The Armed Forces have the right and the duty to separate from the Service, with an appropriate characterization of service, those members who clearly demonstrate they are unqualified for retention. At the same time, such members have rights which shall be protected.

(b) This part further provides for separation under certain circumstances or conditions to meet the needs of the Services and members.

(c) Standards and procedures for these policies are prescribed in §§ 41.7 through 41.12.

§ 41.5 Administrative Discharge Board.

(a) *Composition.* An administrative discharge board shall be comprised of at least three experienced commissioned officers, at least one of whom shall be serving in the grade of major/lieutenant commander or higher and may include a nonvoting recorder. The following additional requirements apply:

(1) If the respondent is an enlisted member of a Reserve component or holds an appointment as a Reserve commissioned or warrant officer, the membership shall include a majority of Reserve officers, if reasonably available. Where a Reserve majority is not available, the board shall include at least one Reserve component officer. Voting members shall be senior to the respondent's Reserve grade.

(2) If the respondent is an enlisted woman, the board shall upon the written request of the respondent include a female officer as a voting member if such officer is reasonably available. In the event of nonavailability the reason shall be stated in the record of proceedings.

(3) If the respondent is a member of a minority group, the board shall upon the written request of the respondent include as a voting member an officer who is also a minority group member if such officer is reasonably available. When requested, the appointed board member should normally be of the same minority group as the respondent; however nonavailability of an officer of the same minority group shall not preclude convening the board. In the event of nonavailability the reason shall be stated in the record of the proceedings.

(b) *Procedures.* The board functions as an administrative rather than a judicial body. Strict rules of evidence need not be observed. However, the president may impose reasonable restrictions as to relevancy, competency, and materiality of matters considered. When the board meets in closed session, only voting members shall be present. The proceedings of the board shall be maintained as prescribed by the Secretary of the Military Department concerned but, as a minimum, shall contain a verbatim record of the findings and recommendations. The board shall recommend one of the following:

(1) Retention.

(2) Discharge for a specified reason and the appropriate discharge certificate, according to the provisions of this Part and the applicable Service regulations.

(c) *Rights of the Respondent.* Subject to the requirements prescribed herein, a respondent who has not waived a hearing before an administrative discharge board and whose case is presented to such a board has the following rights:

(1) He may appear in person, with or without counsel, or if absent, be represented by counsel at all open proceedings of an administrative discharge board. The respondent may be represented by either military counsel appointed by the convening authority, or by military counsel of his own choice, provided the counsel requested is reasonably available, as determined under regulations of the Secretary concerned but not by both. In either case, the respondent may employ civilian counsel at his own expense.

(2) He may challenge any voting member of the board for cause only.

(3) He may request the appearance before the board of any witness whose testimony he believes to be pertinent to his case. He will specify in his request the type of information the witness can provide. The board will invite the witness to attend if it considers that the witness is reasonably available and that his testimony can add materially to the case. If a witness on active duty declines the invitation, the board may refer the matter to the convening authority for a decision or orders. Witnesses not on active duty must appear voluntarily and at no expense to the Government, except as authorized in implementing regulations of the Military Department concerned.

(4) The respondent may, at any time before the board convenes or during the proceedings, submit any answer, deposition, sworn or unsworn statement, affidavit, certificate, or stipulation. This includes but is not limited to depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

(5) He may or may not submit to examination by the board. The provisions of Article 31, 10 U.S.C. 831 apply.

(6) The respondent and his counsel may question any witness who appears before the board.

(7) Failure of the respondent to invoke any of these rights, after he has been appraised of same, cannot be considered as a bar to the board proceedings, findings, and recommendations.

(d) *Actions by Discharge Authority.* Upon receipt of the record of board proceedings, the Discharge Authority may take one of the following actions:

(1) Approve the board's recommendations and direct their execution.

(2) Approve the board's recommendations for discharge but change the characterization of service to a more favorable one. He shall not downgrade the characterization of service.

(3) Approve the board's recommendation for discharge but change its basis when the record indicates such action would be appropriate, except that he shall not designate misconduct as the basis when the board has recommended discharge for unsuitability.

(4) Approve the discharge but suspend its execution for a specified period of probation.

(5) Disapprove the recommendation for discharge and retain the member in the Service.

(6) In the event of a board recommendation for retention, he may recommend separation to the Secretary concerned, pursuant to § 41.7(b)(13), if he believes that separation is warranted by the circumstances of the particular case.

(7) He may set aside the findings and recommendations and refer the case to a new board if he finds legal prejudice to the substantial rights of the respondent. No member of the new board shall have served on a prior board which considered the same matter. The record of the proceedings of the earlier board, minus the findings, recommendations, and prejudicial matter, may be furnished the successor board. The Discharge Authority shall not approve findings or recommendations less favorable to the respondent than those rendered by the previous board.

§ 41.6 Responsibilities.

Each of the Armed Forces shall:

(a) Prescribe appropriate internal procedures for periodic explanation to members of the types of discharge certificates, the basis for their issuance, and the possible effects of various certificates upon reenlistment, civilian employment, veterans' benefits and related matters. As a minimum, such explanation shall take place each time the Articles of the Uniform Code of Military Justice are explained, pursuant to 10 U.S.C. 937. (Failure on the part of the member to receive or to understand such explanation, however, shall in no event be considered a defense in an administrative discharge proceedings, or a bar thereto.)

(b) Assure that the purpose and scope of the Discharge Review Board and the Board for Correction of Military/Naval Records, established pursuant to 10 U.S.C. 1552 and 1553, is explained during the separation processing of any member discharged under other than honorable conditions.

§ 41.7 Reasons for separation.

(a) *Expiration of enlistment or fulfillment of service obligation.* An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record.

(b) *Convenience of the Government.* An honorable separation (Honorable discharge) or separation under honorable conditions (General discharge) as warranted by the member's military record, for the following reasons:

(1) General demobilization, reduction in authorized strength or an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a commission or appointment or acceptance into a program leading to a commission or appointment in any branch of the Armed Forces, for active duty only.

(3) Immediate enlistment or reenlistment.

(4) Erroneous induction or enlistment.

(5) Separation of members serving in unspecified enlistments.

(6) Early separation of personnel under various authorized programs and circumstances.

(7) Voluntary separation of women for pregnancy or childbirth.

(8) Inability to perform prescribed duties, repetitive absenteeism or nonavailability for worldwide assignment as a result of parenthood.

(9) Conscientious objection.

(10) Sole surviving son/daughter and certain family members.

(11) Condition, not a physical disability, which interferes with performance of duty.

(12) Elimination of marginal performers:

(i) Elimination of marginal or nonproductive performers by reason of the member's:

(*a*) Failure to attain or maintain required job skill proficiency, either by associated inaptitude or nonapplication.

(*b*) Presence creating an administrative burden to the command due to minor military or disciplinary infractions.

(*c*) Performance having been noncontributory to unit readiness and mission accomplishment as specifically evidenced by below average efficiency ratings or specific demonstrated incapacity to meet effectiveness standards.

(ii) Application of this provision is limited to members meeting the following criteria:

(*a*) Members considered must be in their first enlistment, and are otherwise eligible until completion of 36 months of active service, whichever is greater.

(*b*) The member must be medically qualified for separation.

(*c*) The member must have completed any disciplinary punishment.

(*d*) The member must not be about to stand trial for violation of the Uniform Code of Military Justice. Any such charges must have been dismissed, the individual acquitted, or after conviction, appellate review of the case completed prior to separation.

(*e*) Member separated under these provisions must be assigned to: (*1*) Recruit Training; (2) Initial Skill Training immediately following Recruit Training; or (3) an organizational unit for an appropriate period of evaluation as determined by the Secretary of the Military Department concerned, but for not less than 60 days.

(iii) These discharges must be approved by specified discharge authority;

(iv) As a minimum the Military Services should establish procedures wherein rebuttal by an individual being discharged will be considered by the discharge authority; and

(v) Members in Recruit Training or Initial Skill Training immediately following Recruit Training who are separated for this reason will be separated with an honorable separation (Honorable discharge).

(13) For such other reasons as may be prescribed by the Secretary of the Military Department concerned.

(14) Notwithstanding the specific provisions of this or any other Directive or any proceedings, decisions or action in accord with this or any other Directive, the Secretary concerned may direct the separation of any member, prior to the expiration of term of service, after determining it to be in the best interest of that Department.

(c) *Dependency or Hardship.* An honorable separation (Honorable discharge) or a separation under honorable conditions (General discharge) as warranted by the member's military record.

(1) Separation may be directed when genuine dependency or undue hardship exists, and:

(i) The hardship or dependency is not of a temporary nature;

(ii) Conditions have arisen or have been aggravated to an excessive degree since entry into the Service and the member has made every reasonable effort to remedy the situation;

(iii) The separation will eliminate or materially alleviate the condition; and

(iv) There are no means of alleviation readily available other than the separation.

(2) Undue hardship does not necessarily exist solely because of altered present or expected income or because the individual is separated from his family or must suffer the inconveniences normally incident to military service.

(d) *Minority.* Release by voidance of contract or separation with an Honorable or a General discharge, as warranted by the member's military record.

(1) Release or separation may be directed after determination that:

(i) There is evidence satisfactory to the Discharge Authority that the member is under 18 years of age; and

(ii) The member enlisted without the written consent of his parent or guardian, if he has a parent or guardian entitled to his custody and control.

(2) Upon application by the parents or guardian of a regular enlisted member of an Armed Force to the Discharge Authority within 90 days after the member's enlistment, the member shall be discharged for his own convenience, with the pay and form of discharge certificate for which his service entitles him, if paragraph (d)(1) (i) and (ii) of this section are satisfied.

(e) *Disability.* An Honorable discharge or a General discharge, as warranted by the member's military record, when the member has been determined to be physically unfit to perform the duties of his office, rank, grade or rating, and is not entitled to retirement under the provisions of 10 U.S.C., Chapter 61.

(f) *Personal abuse of drugs other than alcoholic beverages.* Discharge with an Honorable discharge, when based on evidence developed as a direct or indirect result of a urinalysis test administered for identification of drug abusers, or by a member's volunteering for treatment for a drug problem under the Drug Identification and Treatment Program administered by his particular Armed Force, and:

(1) Member's record indicates lack of potential for continued military service; or

(2) Long term rehabilitation is determined necessary and member is transferred to a Veterans' Administration or civilian medical facility for rehabilitation; or

(3) Member has failed, through inability or refusal, to participate in, cooperate in, or complete a drug abuse treatment and rehabilitation program.

NOTE.—It is essential to assure compliance with both the letter and spirit of the rule of law announced in "United States v. Ruiz" (23 USCMA 181, 48 CMR 797 (1974)). Extreme care should be exercised to assure that a member identified for separation under this provision is not separated with less than an honorable discharge, based on some separate and distinct reason for discharge, unless it can be clearly demonstrated that evidence of drug use obtained through the identification process described herein was not directly or indirectly utilized in establishing such separate and distinct reason. It may be desirable for field commanders to consult with legal personnel concerning implementation of this note.

(g) *Unsuitability.* Separation with an Honorable or a General discharge, as warranted by the member's military record, when it has been determined that an individual is unsuitable for further military service because of:

(1) Personality Disorder. As determined by medical authority and described in the Diagnostic and Statistical Manual (DSM–11) of Mental Disorders,[1] American Psychiatric Association; which interferes with member's ability to adequately perform duties. Exception: Combat exhaustion and other acute situational maladjustments.

(2) Alcohol Abuse. Failure, through inability or refusal, to participate in, cooperate in, or complete an alcohol abuse treatment and rehabilitation program.

(3) Homosexual or Other Aberrant Sexual Tendencies.

(4) Unsanitary Habits.

(5) Financial Irresponsibility.

(6) Apathy, Defective Attitudes, Inability to Expend Effort Constructively. As a significant observable defect elsewhere not readily describable.

---

[1] Section on mental disorders, International Classification of Diseases and Injuries—8, Diagnostic and Statistical Manual (DSM–11) of Mental Disorders, 2nd Edition, Committee on Nomenclature & Statistics, American Psychiatric Association, Washington, D.C., 1968.

(7) Inaptitude.

(h) *Security.* Separation, with the character of discharge, and under conditions and procedures, stipulated by the Secretary of Defense, as set forth in DoD Directive 5210.9 [2] and similar Directives applicable to the Coast Guard, when retention is clearly inconsistent with the interest of national security.

(i) *Misconduct.* Separation with an Undesirable discharge, unless the particular circumstances in a given case warrant a General or an Honorable discharge, when it has been determined that an individual is unqualified for further military service because the member's military record in the current enlistment or period of obligated service evidences one or more of the following patterns of conduct, acts, or conditions:

(1) Frequent involvement of a discreditable nature with civil or military authorities.

(2) An established pattern for shirking.

(3) An established pattern showing dishonorable failure to pay just debts.

(4) An established pattern showing dishonorable failure to contribute adequate support to dependents or failure to comply with orders, decrees, or judgments of a civil court concerning support of dependents.

(5) Sexual perversion, including but not limited to (i) lewd and lascivious acts, (ii) homosexual acts, (iii) sodomy, (iv) indecent exposure, (v) indecent acts with or assault upon a child, or (vi) other indecent acts or offenses.

(6) Drug abuse, which is the illegal, wrongful, or improper use, possession, sale, transfer, or introduction on a military installation of any narcotic substance, intoxicating inhaled substance, marijuana, or controlled substance, as established by 21 U.S.C. 812, when supported by evidence not attributed to a urinalysis administered for identification of drug abusers or to a member's volunteering for treatment under the Drug Identification and Treatment Program administered by his particular Armed Force.

(7) Conviction by civil authorities (foreign or domestic), or action taken which is tantamount to a finding of guilty, of an offense for which the maximum penalty under the Uniform Code of Military Justice is death or confinement for one year or more; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender, or is placed on probation, or punished in any way, as the result of an offense involving moral turpitude. If the offense is not listed in the Manual for Courts-Martial, 1969 (Rev.) Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by U.S. Code or the District of Columbia Code, whichever is lesser, applies.

(8) Procurement of a fraudulent enlistment, induction or period of active service through any deliberate material misrepresentation, omission or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation as to age without proper consent will not in itself be considered as fraudulent enlistment.

(9) Prolonged unauthorized absence, continuous for 1 year or more.

(j) *Resignation or request for discharge for the good of the service.* Separation with an Undesirable discharge is authorized, subject to procedures and safeguards specified elsewhere in this part, upon resignation or request for discharge, where conduct has rendered a member triable by court-martial for an offense which is listed in section A. of the Table of Maximum Punishments, para. 127c, Manual for Courts-Martial, 1969 (Rev.) as being punishable by a punitive discharge (the provisions of the Table of Maximum Punishments, Section B., para. 127c, Manual for Courts-Martial, 1969 (Rev.) are not applicable to requests for discharge pursuant to this paragraph).

§ 41.8 Retention or separation.

In determining whether a member should retain current military status or be administratively separated, the member's entire military record may be evaluated.

(a) Include (1) records of nonjudicial punishment imposed during a prior enlistment or period of service, (2) all records of conviction by court-martial, and (3) any other factors which are material and relevant.

(b) Commanding Officers, investigating officers, administrative discharge boards, and other Agencies charged with making such determinations shall consider records of nonjudicial punishment imposed during a prior enlistment or period of service only if such records of punishments would have, under the particular circumstances of the case, a direct and strong probative value in determining whether retention or administrative separation is appropriate.

(c) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which become manifest only over an extended period of time.

(d) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

§ 41.9 Characterization of service.

(a) *Guidelines.* When separated under the provisions of this Part, a member shall be provided a certificate reflecting the character of his service for the period concerned.

(1) *Honorable.* Predicated upon proper military behavior and proficient performance of duty with due consideration for the member's age, length of service, grade, and general aptitude. A member will not necessarily be denied an Honorable characterization solely by reason of a specific number of convictions by courts-martial or actions under Article 15 of the Uniform Code of Military Justice (10 U.S.C. 815) during his current enlistment or period of obligated service. An Honorable Discharge Certificate shall be provided upon discharge.

(2) *Under honorable conditions.* Appropriate when a member's military record is not sufficiently meritorius to warrant an Honorable characterization, as prescribed by the regulations of the Service concerned. A General Discharge Certificate shall be provided upon discharge.

(3) *Under other than honorable conditions.* Appropriate when a member is separated for (i) Misconduct or Security, when based on the approval of a recommendation of an administrative discharge board or waiver of the right to board action, or (ii) resignation or request for discharge for the Good of the Service. An Undesirable Discharge Certificate shall be provided upon discharge.

(b) *Special consideration.* (1) In any case in which an Undesirable discharge is authorized under this Part, a member may receive a more favorable characterization if, during his current enlistment or period of obligated service, or any voluntary or involuntary extension thereof, or period of prior service, he has been awarded a personal decoration as defined by his Service, or if warranted by the particular circumstances of a specific case.

(2) Except as indicated below, the characterization of service of the current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Armed Force concerned, or effected with the consent of the member. The following shall not be considered:

(i) Prior service activities, including but not limited to records of conviction by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed.

(ii) Preservice activities, excepting misrepresentations, including omission of facts which, if known, would have precluded, postponed or otherwise affected the member's eligibility for enlistment or induction.

§ 41.10 Restriction on certain administrative discharges.

(a) Administrative discharge action under the provisions of § 41.7(g) (2), (4), (5), (6), (7) and 41.7(i) (1) will not normally be initiated until a member has been counseled concerning his deficiencies and afforded a reasonable opportunity to overcome them.

(b) No member shall be discharged with an Undesirable Discharge Certificate unless he is afforded the right to present his case before an administrative

[2] File as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa., 19120. Code: 300

discharge board, with the advice and assistance of counsel, and unless such discharge is supported by approved board findings and an approved board recommendation for a discharge with an Undisirable Discharge Certificate. As exceptions, an Undesirable Discharge Certificate may be issued without board action if the member (1) is beyond military control by reason of prolonged unauthorized abesence, (2) resigns or requests discharge for the good of the Service, or (3) waives his right to board action.

(c) The Discharge Authority may approve the service characterization recommended by an administrative discharge board, or one more favorable, but shall not approve a characterization of service less favorable than that recommended.

(d) When an administrative discharge board recommends retention, and the Discharge Authority believes that separation is warranted, by the circumstances of a particular case, this Authority may recommend separation to the Secretary concerned, pursuant to § 41.7 (b)(13). If separation is approved, an Honorable or a General Discharge Certificate, as directed by the Secretary concerned, will be issued.

(e) Notwithstanding a member's written acknowledgment that he will be issued an Undesirable Discharge Certificate, under the provisions of § 41.7(j), Resignation or Request for Discharge for the Good of the Service, the Discharge Authority may direct issuance of either an Honorable or General Discharge Certificate, if warranted.

(f) A member subject to discharge because of conviction by civil court may be processed for discharge although he has he has filed an appeal or stated his intention to do so. However, it will be general policy to withhold the execution of the approved discharge, pending outcome of the appeal. If the execution of the discharge is considered appropriate without waiting for final action on the appeal, the member may be discharged with the appropriate type of discharge certificate, upon the direction of the Secretary concerned.

(g) No member shall be administratively discharged with an Undesirable Discharge Certificate if the grounds for such discharge action was based wholly or in part upon acts or omissions for which the member has been previously tried by court-martial resulting in acquittal or action having the effect thereof, except when such acquittal or equivalent disposition is based on a legal technicality not going to the merits.

(h) No member shall be subjected to administrative discharge board action based upon conduct which has previously been the subject of administrative discharge board proceedings, when the evidence before the subsequent board would be the same as the evidence before the previous board, except as provided in § 41.5(d)(7), and in those cases where the favorable findings of the previous board are determined to have been obtained by fraud or collusion.

§ 41.11 Procedures for discharge.

The following procedures will be adhered to in effecting administrative discharges:

(a) *Consultation with Counsel.* Members being processed for involuntary separation with a General or Undesirable discharge shall be provided the opportunity to consult with a judge advocate or law specialist at the outset of the procedure for separation.

(b) *Honorable Discharge.* A separation with an Honorable discharge may be effected by the member's commanding officer or higher authority when the member is eligible for or subject to discharge and it has been determined that the member merits an Honorable discharge under prescribed Service standards.

(c) *General Discharge.* A separation with a General discharge may be effected by the commanding officer or higher authority when the member is eligible for or is subject to discharge and it has been determined, under prescribed Service standards that such discharge is warranted. When a General Discharge Certificate is issued for one of the reasons listed in § 41.7 (a) and (e) the specific basis therefor shall be included in the member's permanent personnel records.

(d) *Discharge for Unsuitability.* An Honorable discharge or a discharge Under Honorable Conditions (General discharge), based on the standards prescribed in § 41.7(g) may be issued by the commander exercising special court-martial jurisdiction or higher authority.

(1) A member with less than 8 years of total active military service shall be notified in writing of the proposed discharge action and shall be afforded an opportunity to make a statement in his own behalf or decline the opportunity in writing. This correspondence shall be filed in the member's permanent personnel records.

(2) A member with 8 or more years of total active military service shall be discharged by reason of unsuitability only in accordance with the safeguards and procedures specified in paragraph (e)(1) and (2) of this section.

(e) *Undesirable discharge.* An Undesirable discharge shall be directed by a commander exercising general court-martial jurisdiction or by higher authority. This authority may be delegated to a general or flag officer in command who has a judge advocate or law specialist on his staff for cases arising in that command. Every action taken pursuant to such a delegation shall state the authority therefor. An Undesirable discharge shall be issued in accordance with the provisions of this Part which include the following procedures and safeguards:

(1) A member who is under military control shall be notified in writing of the basis for the proposed discharge action and advised that he has the following rights:

(i) To present his case before an administrative discharge board.

(ii) To be represented by counsel.

(iii) To waive the above rights in writing. The member shall be given an opportunity to consult with counsel, prior to waiving his rights.

(2) If a member waives his rights, the Discharge Authority may disapprove the waiver and refer the case to an administrative discharge board, or direct retention on active duty, or direct discharge by reason of misconduct or security. If discharge is directed, the type of certificate will be specified.

(3) A member unable to appear in person before an administrative discharge board, by reason of confinement by civil authorities, shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:

(i) To have his case considered by an adminstrative discharge board.

(ii) To request appointment of a military counsel to represent him and in his absence present his case before an administrative discharge board.

(iii) To submit statements in his own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(4) A member of a Reserve component not on active duty shall be advised (by registered mail or certified mail, return receipt requested) of the proposed discharge action, the type of discharge certificate that may be issued, and the fact that action has been suspended to give him the opportunity to exercise the following rights:

(i) To have his case considered by an administrative discharge board.

(ii) To request appointment of a military counsel to represent him and in his absence present his case before an administrative discharge board.

(iii) To submit statements in his own behalf.

(iv) To waive the foregoing rights, either in writing or by failing to reply to the letter of notification within a prescribed time limit.

(5) A member beyond military control by reason of unauthorized absence:

(i) May be issued an Undesirable Discharge Certificate *in absentia* under either of the following circumstances:

(*a*) When the prosecution of the member is apparently barred by statute of limitations, 10 U.S.C. 843. In those cases, an Undesirable discharge may be issued at any time after it is determined that prosecution is so barred, provided that upon consideration of available extenuating, mitigating and aggrevating factors in each case, the Discharge Authority determines that the best interest of the Armed Forces will be served by issuance of the Undesirable discharge.

(*b*) When the Discharge Authority determines, in accordance with regulations of the Department concerned, that

issuance of an Undesirable discharge will serve the national interests.

(ii) Shall be notified of the imminent discharge action and the effective date thereof by registered mail or certified mail, return receipt requested, forwarded to the record address of the member, or next of kin, as appropriate.

(iii) Shall be subject to the separation limitations of 10 U.S.C. 1163 if he is a member of a Reserve component.

(6) A member who submits a resignation or requests Discharge for the Good of the Service may be issued an Undesirable Discharge Certificate without board action, provided he had been afforded the opportunity to consult counsel and certifies in writing that he understands (i) he will receive an Undesirable Discharge Certificate and (ii) the adverse nature of such a characterization and the possible consequences thereof.

§ 41.12 Suspension of execution of approved discharge.

The Discharge Authority or higher authority may, prior to the expiration of the member's enlistment or period of obligated service, suspend execution of an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During the period of suspension, the member shall be afforded an opportunity to demonstrate that he is capable of behaving properly for an extended period under varying conditions and that he can perform assigned duties efficiently.

(a) Upon satisfactory completion of the probationary period, execution of the approved discharge will be cancelled automatically.

(b) Additional misconduct on the part of the member during the probationary period or actions which constitute substandard performance of duty or demonstrate characteristics of unsuitability may establish the basis for one of the following actions:

(1) Punitive or new administrative action may be initiated, notwithstanding the suspension of execution of the approved discharge.

(2) Suspension of the approved discharge may be vacated, and the approved discharge executed, to include discharge *in absentia* when the member has been beyond the military control for 15 or more days.

§ 14.13 Effective date and implementation.

(a) This part is effective April 1, 1976. Nothing in this part shall establish grounds for recharacterization of discharges issued prior to this effective date.

(b) To copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) by July 1, 1976.

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

FEBRUARY 27, 1976.

[FR Doc.76-6104 Filed 3-2-76;8:45 am]

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER A—DEFENSE SUPPLY PROCUREMENT REGULATION

[DSAR 4105.1]

REVISION OF REGULATION

SEPTEMBER 1, 1975.

The Defense Supply Agency has revised Subchapter A, Chapter XII of Title 32, the Defense Supply Procurement Regulation, in an effort to make the regulation more understandable and workable, and to incorporate material applicable to the regulation contained in Procurement Letters. In accordance with 81.108 of this title, this regulation establishes DSA procedures for the procurement of supplies and services.

By order of the Director, Defense Supply Agency.

J. J. MCALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

Subchapter A, Chapter XII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Part

1201 General provisions.
1202 Procurement by formal advertising.
1203 Procurement by negotiation.
1204 Special types and methods of procurement.
1205 Interdepartmental and coordinated procurement.
1206 Foreign purchases.
1207 Contract clauses.
1208 Termination of contracts.
1209 Patents, data, and copyrights.
1210 Bonds, insurance, and indemnification.
1212 Contractor industrial labor relations.
1213 Government property.
1214 Procurement quality assurance.
1215 Contract cost principles and procedures.
1216 Procurement forms.
1217 Extraordinary contractual actions to facilitate the national defense.
1219 Transportation.
1220 Administrative matters.
1221 Procurement management reporting system.
1225 Production surveillance and reporting.
1250 Supplemental procedures.

This Subchapter supersedes Subchapter A issued in Volume 34, Number 205, October 24, 1969, and revisions 1 thru 4.

PART 1201—GENERAL PROVISIONS

Subpart A—Introduction

Sec.

1201.101 Purpose of subchapter.
1201.102 Applicability of subchapter.
1201.103 Arrangement of subchapter.
1201.103-2 Numbering.
1201.103-4 Citation.
1201.104 Content of subchapter.
1201.104-50 DSPR.
1201.104-51 Procurement letters.
1201.104-52 Multiple address letters.
1201.105 Amendment of subchapters.
1201.107 Dissemination and effective date of the subchapter (including appendices, revisions, supplements and manuals).
1201.108 Departmental procurement instructions and ASPR implementations.
1201.109 Deviations from this subchapter and Department of Defense publications governing procurement.
1201.109-1 Applicability.
1201.109-2 Deviations affecting one contract or transaction.
1201.109-50 Deviations to mandatory clauses.
1201.109-51 Submission of requests for deviations (Dev.).
1201.109-52 Control of deviations.
1201.110 Reports of purchases and contracts.
1201.110-50 Advance notification of proposed awards.
1201.150 Administration and intepretation.
1201.151 Procurement and production directors' conference.

Subpart B—Definition of Terms

1201.201 Definitions.
1201.201-14 Procuring activity.

Subpart C—General Policies

1201.307 Priorities, allocations and allotments.
1201.307-50 Notice to bidders.
1201.310 Liquidated damages.
1201.314 Disputes and appeals.
1201.318 Contracts conditioned upon the availability of funds.
1201.324 Warranties.
1201.324-50 Warranty actions.
1201.325 Variation in quantity.
1201.325-50 Delivery of excess quantities of $25.00 or less.
1201.350 Changes in procurement processes, techniques or methods.
1201.350-1 General.
1201.350-2 Concept of notification.
1201.350-3 Examples of significant changes.
1201.350-4 Data to support request.
1201.351 Delivery status information on procurements for the International Logistics Program (ILP).

Subpart D—Procurement Responsibility and Authority

1201.401 Responsibility of each procuring activity.
1201.401-50 Delegation of authority.
1201.401-51 Limited purchasing authority.
1201.402 Authority of contracting officers.
1201.402-50 General responsibilities of contracting officers.
1201.401-51 Procedure for closing contracts with inconsequential amounts undelivered.
1201.403 Requirements to be met before entering into contracts.
1201.403-50 Legal review.
1201.405 Selection, appointment, and termination of appointment of contracting officers.
1201.405-1 Selection.
1201.405-2 Appointment.
1201.405-3 Termination of appointment.
1201.450 Selection, Appointment, and termination of appointment of contracting officers' representatives.
1201.451 [Reserved]
1201.452 Review and approval requirements.
1201.452-1 General.
1201.452-2 Actions requiring HQ DSA review and approval prior to award.
1201.452-3 Information to be furnished.
1201.452-4 Release of information.

Sec.
1201.452–5 Proposed shifts in procurements from a competitive to a noncompetitive basis.
1201.452–6 Post award review.
1201.452–7 Actions approved but not awarded.
1201.452–8 Cancellation requirements.
1201.452–9 Letter contracts.
1201.452–10 Requests for waiver of HQ DSA pre-award review and approval.
1201.452–11 Confirmation of quantity and technical requirements.
1201.453 Review and approval requirements at the procuring activity.
1201.454 Review and approval requirements for a procurement Office not designated as a "procuring activity".

Subpart F—Debarment, Ineligibility, and Suspension

1201.601 Establishment and maintenance of records and lists of firms or individuals debarred, ineligible or suspensed.
1201.601–1 General.
1201.601–3 Joint consolidated list.
1201.601–50 Attempted evasions.
1201.603 Grounds for listing and treatment to be accorded listed concerns.
1201.603–50 Total restrictions.
1201.604 Administrative Debarment of firms or individuals (Type A).
1201.604–3 Notice of debarment.
1201.605 Suspension of firm or individual.
1201.608 Reporting.
1201.650 Review of past contractual relationships.

Subpart G—Small Business Concerns

1201.702 General policy.
1201.702–50 Counseling activities.
1201.705 Cooperation with the Small Business Administration.
1201.705–4 Certificates of competency.
1201.705–5 Contracting with the Small Business Administration.
1201.705–50 Participation in industrial assistance events, procurement clinics, fairs, etc.
1201.706 Set-asides.
1201.706–3 Review withdrawal, or modification of set-asides or set-aside proposals.
1201.707 Subcontracting with small business concerns.
1201.707–50 Subcontracting for contracts awarded pursuant to section 8(a), Small Business Act.

Subpart I—Responsible Prospective Contractors

1201.905 Procedures for determining responsibility of prospective contractors.
1201.905–1 General.
1201.905–4 Preaward surveys.

Subpart L—Specifications, Plans and Drawings

1201.1203 Availability of specifications, standards, plans and drawings.

Subpart U—Advance Procurement Planning

1201.2100 Advance procurement (AP) planning.
1201.2100–2 Applicability.
1201.2102 Sample format for the preparation of advance procurement plan.

Subpart V—Industrial Preparedness Production Planning

1201.2205 Existing authority affecting the industrial base.
1201.2206 Applicable procedures.
1201.2206–50 Industrial preparedness planning packages.

AUTHORITY: The provisions of this Part 1201 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Introduction

§ 1201.101 Purpose of subchapter.

The Defense Supply Procurement Regulation (DSPR) is issued by the Executive Director, Procurement and Production, HQ DSA by authority of the Director, Defense Supply Agency (DSA). It implements the Armed Services Procurement Regulation (ASPR) and other Department of Defense publications and, pursuant to § 1–108 of this title, establishes for DSA procedures relating to the procurement of supplies and services under the authority of chapter 137, title 10 of the United States Code, or other statutory authority.

§ 1201.102 Applicability of subchapter.

(a) This subchapter is applicable to the purchasing function at all DSA activities, but is not applicable to the performance of field contract administration assigned to Defense Contract Administration Services (DCAS).

(b) Whenever revisions to ASPR are published which make coverage in this subchapter obsolete or contradictory to that in ASPR, the provisions in ASPR shall apply.

(c) Whenever DSA Regulations, containing policies and procedures relating to procurement conflict with ASPR or this subchapter, the policies and procedures in ASPR and this subchapter shall govern.

§ 1201.103 Arrangement of subchapter.

§ 1201.103–2 Numbering.

The numbering system in DSPR follows the numbering system in ASPR. Where a section of the DSPR does not implement a particular section but pertains to the general subject matter covered in a particular subpart of the ASPR, the added section shall be numbered starting with the digits "50" (e.g., in subpart A of Part 1, this would be § 1201.150). Likewise where the DSPR has material implementing a main ASPR section, but not fitting under the ASPR point numbers and titles, such material is numbered to end in .50, .51, etc., such as 1–110.50, 1–110.51, etc.

§ 1201.103–4 Citation.

The DSPR shall be referred to as the Defense Supply Procurement Regulation and any paragraph may be cited as DSPR followed by the paragraph number. Thus, this paragraph would be cited as DSPR 1–103.4.

§ 1201.104 Content of subchapter.

§ 1201.104–50 DSPR.

This subchapter contains all Departmental policies, procedures and instructions relating to procurement of supplies and services within the Defense Supply Agency, except those contained in ASPR and the DSAR or DSAM series of DSA regulations. DSPR does not duplicate or paraphrase ASPR and is issued only to cover delegations of authority, assign responsibilities, and other procedures consonant with 1–108 of this title which are essential to DSA.

§ 1201.104–51 Procurement letters.

Numbered procurement letters (PROC LTRS) include policy statements of general interest procurement personnel, reemphasis of existing policy and information of a temporary nature. They are generally directed to procurement staff levels within the Defense Supply Centers (DSCs) but wider attention within the Procurement Directorates may be directed upon the face of the letter. Procurement letters will normally be cancelled within six months.

§ 1201.104–52 Multiple address letters.

Unnumbered multiple address letters will be issued for one-time requests for comments or reports, announcements of Procurement and Production Directors' Conferences and other meetings, etc. No implementation beyond the action requested is contemplated. They are self-cancelling when they have served their purpose.

§ 1201.105 Amendment of subchapters.

Recommendations for revision of ASPR and DSPR shall be submitted, through channels, to the Executive Director, Procurement and Production, HQ, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. ATTN: DSAH–PPR.

§ 1201.107 Dissemination and effective date of the subchapter (including appendices, revisions, supplements and manuals).

(a) Heads of Procuring Activities shall insure that copies of the ASPR and DSPR, including revisions, are distributed to all interested activities and individuals.

(b) Compliance with a revision to the DSPR, including revision to the DSPR shall be permissive effective with the date of issuance thereof (as indicated by the page revision date) and shall be mandatory effective 90 days thereafter, unless otherwise provided in such revision.

§ 1201.108 Departmental procurement instructions and ASPR implementations.

(a) Implementations of ASPR and DSPR may be issued by Heads of Procuring Activities provided they are consistent with § 1–108 of this title. In addition, the Executive Director, Procurement and Production, HQ, DSA has delegated this authority to the Commander, Defense Industrial Plant Equipment Center (DIPEC). Implementations shall not duplicate or paraphrase ASPR or DSPR, modify or revise the policy expressed in ASPR or DSPR, or contain deviations to ASPR or DSPR unless authorized by the procedures of § 1.109 of this title and § 1201.109. The format, general plan, and numbering system of implementations shall be the same as ASPR/DSPR.

(b) Heads of Procuring Activities and DIPEC shall furnish the HQ DSA, ATTN: DSAH-PPR, one copy of each implementing instruction properly referenced to the ASPR or DSPR paragraph to which it pertains.

§ 1201.109 Deviations from this subchapter and Department of Defense Publications Governing Procurement.

§ 1201.109-1 Applicability.

Actions which constitute deviations from ASPR or Department of Defense publications governing procurement as set forth in § 1-109.1 of this title shall also constitute deviations from the provisions of DSPR.

§ 1201.109-2 Deviations Affecting One Contract or Transaction.

Deviations from ASPR, a Department of Defense Directive, or the DSPR which affect only one contract or transaction, will be made only after prior approval by the Executive Director, or Deputy Executive Director, Procurement and Production, HQ DSA.

§ 1201.109-50 Deviations to mandatory clauses.

Prior to requesting an ASPR deviation, one-time or otherwise, the Commander or Deputy Commander will personally negotiate with contractors who have refused to accept mandatory ASPR clauses in an attempt to obtain contractor acceptance.

§ 1201.109-51 Submission of requests for deviations (Dev).

(a) Requests for authority to deviate from the provisions of ASPR, Department of Defense Directives, or the DSPR will be submitted (in original and four copies) to the HQ DSA, ATTN: DSAH-PPR.

(b) For those deviations which have originated in any DSA field activity, it will be the responsibility of the originator to initiate action for renewal or extension, when appropriate, at least 90 days prior to the expiration date. If no request is received in DSAH-PPR, it will be assumed the need for the deviation no longer exists and the deviation will automatically expire.

§ 1201.109-52 Control of deviations.

Separate registers shall be maintained by the Executive Director, Procurement and Production, HQ DSA of the deviations granted from ASPR and DSPR. Each deviation shall be recorded in its appropriate register and shall be assigned a control number as follows: an abbreviation of the regulation involved and the word deviation; fiscal year; and the serial number assigned to the particular deviation; e.g., ASPR Dev. 75-1, DSPR Dev. 75-1. The control number shall be embodied in the document authorizing the deviation and shall be cited in all references to the deviation.

§ 1201.110 Reports of purchases and contracts.

§ 1201.110-50 Advance notification of proposed awards.

(a) Data on all proposed contract awards of $1 million or more shall be submitted to the HQDSA contact point by telephone at least 48 hours (two full working days) prior to 1100 hours of the date the Center proposes to make the contract award (excluding those contracts made with the Small Business Administration under authority of Section 8(a) of the Small Business Act). Mandatory orders to be placed with the Federal Prison Industries, the National Industries for the Blind and Agencies for the Severely Handicapped are not included in this reporting requirement. However, nonmandatory orders to be placed with the Industries for the Blind are included. This report will be known as "contract announcement" and will carry Reports Control Symbol DD-DSA (AR)183(P).

(b) *Definitions.* (1) *Contract awards* as used herein include any contractual instrument that obligates funds where the total amount of the contract is $1 million or is expected to reach or exceed $1 million. Requirements contracts that do not obligate funds at the time of awards are not "contract wards" for the purpose of this paragraph. Delivery orders in the amount of $1 million or more issued against these requirements contracts are "contract awards." Where a requirements contract does obligate an amount of less than $1 million at the time of award and it is estimated that the cumulative amount of the contract will exceed $1 million such type of requirements contracts is a "contract award."

(2) *Contractual instrument* includes but is not limited to notices of awards, definitive contracts, letter contracts, orders placed against requirements or indefinite delivery type contracts, supplemental agreements, change orders, provisioning orders, contract modifications, letters of intent, and funding action.

(c) The HQ DSA contact point is DSAH-PC, Autovon No. 284-6461.

(d) Data submitted to the HQ DSA contact point shall be verified for accuracy by a responsible DSA field activity official prior to submission to HQ DSA. This data is used to provide information outside the Department of Defense, therefore, accuracy is of paramount importance.

(e) The following data shall be provided (in this sequence) to the HQ DSA contact point:

(1) Name and address of purchasing activity;

(2) Proposed release date;

(3) Contract number;

(4) Amount;

(5) Name and location of proposed contractor (include street address, zip code, and county, size of business, i.e., large or small), and labor surplus area designation;

(6) Item and quantity to be awarded;

(7) Name and location of facility to perform contract, indicating if a division or affiliate of contractor in paragraph (e)(5) of this section, (include street address, zip code, county and labor surplus area designation);

(8) Type of contract, e.g., firm fixed price; fixed price with escalation;

(9) Amount previously obligated (if this announcement is a modification to an existing contract);

(10) Number of concerns solicited and number of concerns submitting bids/proposals;

(11) Using Service;

(12) Name of official in field activity familiar with award;

(13) Information as to any proposed local press release or any local Congressional interest; and

(14) A statement of whether or not EEO clearance has been obtained.

(f) Awards and release of information on contract awards of $1 million or more shall not be made before the date and time agreed upon by the HQ DSA contact point and the field activity. Any proposed local press release should also be withheld. If for any reason, clearance is not received by HQ DSA, the Defense Supply Center will be notified promptly to withhold award until clearance has been obtained. If following agreement as to date and time of contract award announcement, the award will not be made, the HQ DSA contact point shall be notified by telephone immediately.

§ 1201.150 Administration and interpretation.

The administration and interpretation of DSPR is the responsibility of Executive Director, Procurement and Production, HQ DSA (DSAH-P).

§ 1201.151 Procurement and Production Directors' Conference.

A Procurement and Production Directors' Conference will be convened on a semi-annual basis or at the call of the Executive Director, Procurement & Production, HQ DSA, under the monitorship of the Programs & Management Office (DSAH-PA). The conference provides a forum for discussion of current problems, discussion of management improvements, exchange of information on latest developments in the fields of procurement and production, and for other matters, which assist in the development of procurement and production policies and procedures. Attendance at these conferences will comprise as a minimum the Executive Director or Deputy Executive Director, Procurement and Production (DSAH-P/PD), representatives from Headquarters, Procurement and Production Divisions and Offices, and Procurement and Production Directors and/or Deputy Directors from DSA Supply Centers.

Subpart B—Definition of Terms

§ 1201.201 Definitions.

§ 1201.201-14 Procuring activity.

The Executive Director, Procurement and Production, HQ DSA, shall exercise the functions, not otherwise delegated, of Head of Procuring Activity for any DSA Supply Centers or Activities not under an HPA and not designated as "Procuring Activities" pursuant to § 1-201.14 of this title. This includes the:

(a) Defense Industrial Plant Equipment Center;

(b) Defense Logistics Services Center;
(c) Defense Depot Memphis;
(d) Defense Depot Ogden;
(e) Defense Depot Tracy; and
(f) Defense Supply Agency Administrative Support Center.

Actions required by the Armed Services Procurement Regulation, this subchapter, or other directives involving the functions of the Head of the Procuring Activity not otherwise delegated shall be referred to the HQ DSA, ATTN: DSAH-PP.

Subpart C—General Policies

§ 1201.307 Priorities, allocations, and allotments.

§ 1201.307–50 Notice to bidders.

The following notice shall be included in a prominent place, with each bid package distributed to industry for procurement action:

SECTION C, Instructions, Conditions and Notices to Offerors/Quoters
Priority Rating (DSA 1974 Jul).
Any contract awarded under this solicitation will be assigned a priority rating (DO or DX as applicable) and will include a certification for national defense use under regulations issued by the Department of Commerce in implementation of the Defense Production Act of 1950, as amended. Contractors are required to utilize said rating in obtaining the products, materials and supplies needed to fill their contracts. In the event the contractor is unable to obtain the necessary products, materials and supplies to complete his contract, he shall immediately advise the Defense Contract Administration Services Region (DCASR) or the appropriate Defense Supply Center (DSC) DMS Officer through the cognizant Administrative Contracting Office (ACO) or Procuring Contracting Officer (PCO). The DMS Officer or the DCASR Industrial Specialist will provide necessary assistance or will provide the necessary instructions to complete the Form BDSAF–138, Request for Special Priorities Assistance. The Form BDSAF–138 will be processed through appropriate channels to the Department of Commerce which upon receipt will take action to make the needed supplies available to the applicant.

§ 1201.310 Liquidated damages.

Recommendations concerning the remission of liquidated damages shall be transmitted to HQ DSA, ATTN: DSAH–G.

§ 1201.314 Disputes and appeals.

(a)–(c) Reserved.

(d) All appeals will be presented to the Armed Services Board of Contract Appeals by trial attorneys of the DSA Defense Supply Center involved. Direct communication with the Board is authorized. The charter and rules of the Armed Services Board of Contract Appeals are set forth in Appendix A, ASPR. All official correspondence with the Board will be addressed to the Recorder, Armed Services Board of Contract Appeals, 200 Stonewall Street, Alexandria, VA 22332. At the time of filing with the Board or receipt by the trial attorney, a copy of each Notice of Appeals, Complaint, Answer, Rule 4 Memorandum (without enclosures), Brief, and Motion for Reconsideration, if any, shall be forwarded to the Counsel, HQ DSA.

(e) In all cases except those to be disposed of under Rule 12, the trial attorney shall forward to the Counsel, HQ DSA, copies of the Trial Memorandum, documents that have been filed under Rule 4 or are to be introduced in evidence at the hearing, and, if not included in the Trial Memorandum, a summary of the testimony of proposed witnesses. This information shall be forwarded 10 days prior to date set for the hearing.

(f) If, after review of a Board decision on contracts of his procuring activity, Counsel for the activity is of the opinion that the decision is erroneous, a Motion for Reconsideration should be filed. If the Board denies the motion or sustains its previous decision and a decision by the Comptroller General is desired prior to payment, the request for such a decision shall be forwarded to HQ DSA, ATTN: DSAH–G.

§ 1201.318 Contracts conditioned upon the availability of funds.

It is recognized that there may be instances, other than those described in § 1–318 of this title, where it will be necessary to initiate a procurement prior to the availability of funds. In such instances, the action will only be taken after the facts concerning the proposed solicitation are presented to DSAH–P for review as to the necessity for such action and the obtaining of the required ASPR deviation permitting use of the provisions set forth in § 7–104.91 of this title.

§ 1201.324 Warranties.

§ 1201.324–50 Warranty actions.

When warranty actions have been initiated under procurement instruments containing warranty clauses in accordance with ASPR 1–324, it is essential all DSCs maintain a record of these warranty actions. This record is necessary to help determine the usefulness of the warranty clause versus the cost of administering the warranty actions. The record will be maintained in a central location on a fiscal year basis. No more than two prior fiscal years will be retained. The record shall contain as a minimum the following information:

(a) Date and reason warranty was invoked;
(b) Contract number;
(c) Contractor;
(d) Dollar value of material covered by warranty;
(e) Disposition of material or other considerations obtained; and
(f) Date warranty action completed.

§ 1201.325 Variation in quantity.

§ 1201.325–50 Delivery of excess quantities of $25.00 or less.

Unless there is a valid reason to the contrary, the clause set forth below shall be included in all contracts, purchase orders and Blanket Purchase Agreements:

DELIVERY OF EXCESS QUANTITIES OF $25.00 OR LESS (DSA 1972 Nov)

The contractor is responsible for the delivery of each item or sub-item quantity within allowable variations, if any, required by the contract or order. If the contractor delivers and the Government receives quantities of any item or sub-item in excess of the quantity called for by the contract or order (after considering any allowable variation in quantity) and the dollar value of such excess quantity amounts to $25.00 or less, the excess quantity will be treated as being delivered for the convenience of the contractor; and the Government may retain such excess quantities without compensating the contractor therefor; and the contractor waives all right, title, or interests therein.

§ 1201.350 Changes in procurement processes, techniques or methods.

§ 1201.350–1 General.

Whenever a procuring activity contemplates a significant change in a procurement process, technique or method which may reasonably be expected to have a substantial impact on industry and/or the Government, the activity shall notify promptly HQ DSA, ATTN: DSAH–PPR of the contemplated change and the reasons and basis therefor.

§ 1201.350–2 Concept of notification.

Headquarters, DSA requires notification of contemplated changes which are of significant nature prior to initiation of action to accomplish such changes. This prior notification is necessary in order that Headquarters may become conversant with the matter in the event there is any reaction from industry, the Congress, or the using Military Departments. In addition, Headquarters has access to, and knowledge of, information which may not be available at the field level and, as such, is in a position to evaluate the significance of the proposed action to the Agency as a whole. Accordingly, it is essential that HQ DSA know what is contemplated before the initiation of a significant change is publicized. This requires that all notifications be submitted as far in advance of public disclosure as possible, in order that HQ DSA clearance may be obtained, and the intended purpose of this requirement be served.

§ 1201.350–3 Examples of significant changes.

Representative types and categories of contemplated changes which are of a significant nature and which necessitate prior notification to HQ DSA are (but not limited to) a change in:

(a) A longstanding inspection requirement or procedure;

(b) The method of providing and/or accounting for Government-furnished property;

(c) A type of contract which constitutes a significant departure from the procurement technique previously utilized;

(d) Solicitation techniques and the elements used in evaluation of offers;

(e) The region/area from which procurement of an item has been previously accomplished;

(f) The location of a buying/purchasing office; or

(g) Item specification which prompts a major change in manufacturing and/or processing techniques.

§ 1201.350–4 Data to support request.

In order that the impact of a contemplated change in procurement method may be determined, requests for approval of a proposed change in a procurement method should contain the following information:

(a) A description of the present and proposed procurement methods;

(b) A statement of the difficulties encountered in the use of the presented method and/or the improvements foreseen as the result of a change;

(c) A statement as to the degree of impact of the change expected on industry and/or the Government; and

(d) A statement as to the net benefits accruing to the Government as a result of the change.

§ 1201.351 Delivery status information on procurements for the International Logistics Program (ILP).

Contracts and purchase orders awarded in support of requisitions from the Navy International Logistics Control Office, Bayonne, New Jersey, for the ILP shall:

(a) Identify the requirement as a separate contract line item or sub-line item in accordance with § 20–304.2 of this title. If the purchase request does not contain this information, the contracting officer shall contact the originator to obtain the necessary data. The applicable requisition number shall be entered immediately under the line or sub-line item. (ILP requisitions are identified by the letter P or K preceding requisition number).

(b) Provide for the designated contract administration services component to distribute to the Navy International Logistics Control Office (Bayonne, New Jersey), a copy of any report or document which indicates an anticipated or actual delay in delivery of line or subline items for the ILP. Copies of such reports distributed to Navy International Logistics Control Office shall include the requistion number applicable to the line or sub-line item involved and shall be in addition to any other distribution required by the contract or directives applicable to the contract administration services component.

Subpart D—Procurement Responsibility and Authority

§ 1201.401 Responsibility of each procuring activity.

§ 1201.401–50 Delegation of authority.

Authority conferred upon the Heads of Procuring Activities under any paragraph of DSPR may be delegated with power of redelegation to other officers or civilian officials of DSA, except when specifically limited by law or the provisions of the pertinent DSPR paragraph.

§ 1201.401–51 Limited purchasing authority.

The Commander, Defense Supply Agency Administrative Support Center is granted limited purchasing authority for the following:

(a) Small Purchase authority, i.e., accomplishment of small purchases ($10,000 or less) as provided for in Part 3, Subpart F of this title and of this subchapter of ASPR/DSPR.

(b) The use of a Blanket Purchase Agreement (BPA) without monetary restriction except that each call under a BPA may not exceed $5,000.00 (§ 3–605 of this title).

(c) Unlimited ordering authority for:

(1) Common use classes of supplies and services under Federal Supply Schedule (FSS) contracts.

(2) Supplies from General Services Administration (GSA) Stores Depot Part Administration (GSA) Stores Depot (Part 5, Subpart A of this title).

(3) Repairs and Refinishing Services on GSA and FSS contracts (§ 5–205 of this title).

(4) Prison-made and blind-made supplies (§ 5–400 of this title and § 5–500 of this title).

(5) Printing and related supplies under GPO contracts (§ 5–601 of this title).

(d) Any legal assistance that may evolve in regard to DSASC performing the limited purchasing function authorized by this Regulation will be provided by the Counsel, HQ DSA.

§ 1201.402 Authority of contracting officers.

Properly designated contracting officers are granted all authority conferred by law, the ASPR, and the DSPR, but only to the extent delegated therein and as that authority may be limited in the orders designating them as contracting officers.

(a) Contracting officers are agents of the Government and must act in accordance with the law and within their prescribed duties and authority. Contracting officers must insure that their acts are in full accord with their authority. The action of a contracting officer binds the Government only when the action is authorized.

(b) Contracting officers may enter into, amend, modify, and take other action with respect to contracts, *provided:*

(1) Approval of award has been obtained, if required, and the contract embodies the award as approved;

(2) The contract is written on a standard or an approved form of contract;

(3) The contract is authorized by law and complies with the provisions of ASPR and DSPR with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority;

(4) Compliance has been made with all other requirements of law, the ASPR, the DSPR, and the applicable procuring activity instructions; and

(5) The contract is adequately funded.

§ 1201.402–50 General responsibilities of contracting officers.

(a) Contracting officers are responsible for:

(1) The safeguarding of the interests of the United States in contractual relationships;

(2) Their acts as contracting officers under law and regulations;

(3) Maintaining constant cognizance with respect to contract compliance on the part of the contractor;

(4) Obtaining the necessary legal, technical, and administrative review of the contracts they make; and

(5) Knowing the scope and limitation of their authority.

(b) Contracting officers shall personally sign all contracts and modifications entered into in their name. The Contracting Officer cannot designate anyone to sign for him.

(c) Contracting officers shall be bound in all their actions to exercise reasonable care, skill and judgment. They must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk. Contracting officers shall neither act as nor perform the duties of a contracting officer with respect to any contractual instrument obligating only nonappropriated funds. However, contracting officers may act in an advisory capacity with respect to the aforementioned instruments.

§ 1201.402–51 Procedure for closing contracts with inconsequential amounts undelivered.

(a) The Procuring Contracting Officer (PCO) is authorized on a case-by-case basis to consider a contract completed when an inconsequential amount not falling within the variation in quantity clause remains undelivered or, in the case of brand name subsistence or less than carload lots of perishable subsistence items, the undelivered amount is no longer required by the using activity, provided all of the following conditions exist:

(1) Payment is provided for on a unit price basis, and the contractor advises that no further deliveries will be made;

(2) Payment is made for the units actually received;

(3) The undelivered portion is inconsequential, or in the case of brand name subsistence or LCL perishable subsistence items, the undelivered amount is no longer required by the using activity, and the cost of executing a supplemental agreement (including, but not limited to taking termination action) is excessive in relation to the benefits to the Government from such action; and

(4) The PCO includes in the file a memorandum stating that no rights of the Government are being waived by this procedure and a termination for default is not warranted. The PCO shall

execute and distribute a Standard Form 30 (or other unilateral instrument) as an Administrative Change to the contract to deobligate funds. The Change shall indicate that the above criteria have been met and the contract is considered complete, and shall reference the contractor's communication which advised that no further deliveries will be made.

(b) This authority shall not be delegated by the PCO.

§ 1201.403 Requirements to be met before entering into contracts.

§ 1201.403–50 Legal review.

(a) Legal advice and assistance of assigned legal counsel shall be obtained in the preparation of clauses other than standard clauses which are to be contained in solicitations, and on any questionable legal areas in the preparation and/or execution of contractual documents.

(b) Procuring activities within the Defense Supply Agency shall issue instructions on the legal review of solicitations and contractual documents issued by their activities.

§ 1201.405 Selection, appointment, and termination of appointment of contracting officers.

The authority in § 1–405 of this title has been delegated by the Executive Director, Procurement and Production, HQ DSA, (DSAH–P) to the Commander of each of the following activities:

(1) Defense Depot Memphis.
(2) Defense Depot Ogden.
(3) Defense Depot Tracy.
(4) Defense Industrial Plant Equipment Center.
(5) Defense Logistics Service Center.
(6) Defense Supply Agency Administrative Support Center.

§ 1201.405–1 Selection.

High qualifications standards must be maintained for the appointment of contracting officers. Authority to execute and administer contracts of $100,000 or greater should be given only to civilian personnel of Grade GS–12 or above, and to military personnel with at least three years specialized experience in procurement and three years experience in related fields. Exceptions to these minimum qualifications may be granted on a case-by-case basis by the Head of a Procuring Activity and the Commanders of the activities enumerated in § 1201–405 where exceptional circumstances necessitate appointment of an individual.

§ 1201.405–2 Appointment.

(a) Contracting Officer Appointment Documentation Sheet, DSA Form 581 shall be used to facilitate the documentation of recommendations for appointment. This form shall be completed by the official recommending an individual for appointment. Properly prepared, the form will assist the appointing authority, normally the HPA, in determining whether or not the nominee is qualified for appointment. Also, it will provide HQ DSA a current profile of contracting officers.

(b) One copy of each appointment Documentation Sheet shall be sent to HQ DSA ATTN: DSAH–PPR.

§ 1201.405–3 Termination of appointment.

(a) Reserved.

(b) *Revocation.* One copy of each revocation of an appointment shall be sent to HQ DSA ATTN: DSAH–PPR.

§ 1201.450 Selection, appointment, and termination of appointment of Contracting Officers' Representatives.

(a) *Designation.* The selection, appointment, and termination of appointment of Contracting Officers' Representatives (COR) shall be made by the contracting officer. Such appointments shall take into consideration the ability, training, and experience of COR designees and shall assure that designees are appropriately qualified to act as an authorized representative of the contracting officer. The COR designations shall be in writing and shall define the scope and limitations of the authorized representative's authority. Appointment shall be made by letter substantially in the form set forth in (d) of this section. Unless the appointment of a COR contains other provisions for automatic termination, the appointment shall be effective, unless sooner revoked, until the COR is reassigned, or his employment is terminated. Revocation of a COR appointment may be effected at any time by the appointing authority, or higher authority, or any successor to either. Revocation shall be made by letter reading susbtantially as shown in (e) of this section.

(b) *Authority.* COR's will be responsible to and under supervision of the contracting officer for those actions delegated by the Contracting Officer, and unless specifically prohibited by the terms of the contractual instrument involved may, at the discretion of the contracting officer, be empowered to take any and all actions which could be lawfully taken by the contracting officer consistent with the scope and limitations of the appointment. Compliance with the Standards of Conduct prescribed in DOD Directive 5500.7 and DSAR 5500.1 shall be maintained.

(c) *Documentation.* Supplementing the normal supervision of the COR by the contracting officer, the contracting officer shall maintain an "activity" file on each COR. The purpose of this file is to record and maintain the results of periodic reviews of the COR's procurement activities conducted semi-annually by the contracting officer. The contents of the activity file will include but are not limited to:

(1) A copy of the COR's letter of appointment;

(2) Examples of in-depth reviews of the COR's performance with appropriate identification of the work performed including DOs issued; and

(3) Documentation by the contracting officer of the date, substance, and extent of the reviews conducted.

(d) *Sample form of suggested letter for appointing CORs.*

SUBJECT: Appointment as Contracting Officer's Representative.

TO: (Address to individual, indicating rank or grade, branch, division, activity and location).

1. Under the authority vested in me by the _____; 1 January 1975 subject: Delegation of Authority, you are hereby designated Contracting Officer's Representative with authority conferred by the Contracting Officer.

2. This order shall be in full force and effect until revoked by me or my successor in the same manner as it is hereby granted, or upon your being transferred from the (include branch, division, activity and location).

/S/ CONTRACTING OFFICER

(e) *Sample form of suggested letter for terminating appointment as Contracting Officer's Representative.*

SUBJECT: Termination of Appointment as Contracting Officer's Representative

TO: (Address to individual, indicating rank or grade, branch, division, activity and location)

Your appointment as Contracting Officer's Representative contained in letter appointment dated _____ is hereby terminated effective _____

/S/ CONTRACTING OFFICER

§ 1201.451 [Reserved]

§ 1201.452 Review and approval requirements.

§ 1201.452–1 General.

Every proposed contractual document and supporting file shall be reviewed by the contracting officer prior to signature of the document and prior to forwarding the file for review by higher authority. The contracting officer is responsible for the completeness and accuracy of the file as well as for the soundness of the contractual action. Each file must contain the applicable information, or cross reference thereto, contemplated by ASPR Supplement No. 2 "Contract File Maintenance, Closeout and Disposition" in sufficient detail to permit reconstruction of all significant actions by a subsequent reviewer without referrals to the individuals who consummated the procurement.

§ 1201.452–2 Actions requiring HQ DSA review and approval prior to award.

(a) The actions (the term actions as use herein includes both contracts and contract modifications affecting new procurement) listed below require the review and approval of the Executive Director or Deputy Executive Director, Procurement & Production, HQ DSA, or other DSA official so delegated prior to award. Actions are to be submitted to HQ, DSA, ATTN: DSAH–PC. For review purposes, the dollar amount of an action shall be the sum of the estimated or actual amount of obligation and the amount of any option included in the action.

(1) All actions other than firm fixed-price or fixed-price with escalation;

(2) All actions providing for special performance incentives;

(3) All actions involving—

(i) Architectural-engineering services;

(ii) Management engineering services;

(iii) Management surveys and studies;

(iv) Personal or professional services, not covered by applicable civilian personnel instructions;

(v) Services for maintenance of or for manufacture in Government-owned, contractor-operated facilities. (Not applicable to the Defense Fuel Supply Center);

(vi) Services and materials for the repair, maintenance, rehabilitation, alteration or modification of Government installations and utilities of $100,000 or more;

(vii) Proposed lease of Government property for nondefense use;

(viii) Acquisition of automatic data processing equipment and software in accordance with DSAR 4710 and;

(ix) Acquisition of facilities.

(4) All actions resulting from an invitation for bids (including Balance of Payments and Small Business Restricted Advertising types) when award is proposed to a sole responsive, responsible bidder, and the total dollar amount of the sole bid items being awarded is $100,000 or more, except subsistence items which, by industry practice, are normally subject to 72 hours or less acceptance time, e.g., coffee, flour, sugar;

(5) All negotiated actions with a value of $100,000 or more when award is proposed to a sole offeror;

(6) All actions which involve construction of petroleum facilities;

(7) All negotiated actions (excluding actions resulting from Balance of Payments and Small Business Restricted Advertising and actions covering the set-aside portion of a procurement made by formal advertising) in an amount equal to or in excess of:

Defense Construction Supply Center	$750,000
Defense Electronics Supply Center—FSC 5960	500,000
All other supply classes	100,000
Defense Fuel Supply Center:	
(Supplies)	5,000,000
(Services)	100,000
Defense General Supply Center	750,000
Defense Industrial Supply Center	75,000
Defense Personnel Support Center:	
(Clothing & Textiles)	500,000
(Medical)	500,000
(Subsistence)	1,000,000
Defense Depot Memphis	50,000
Defense Depot Ogden	50,000
Defense Depot Tracy	50,000
Defense Industrial Plant Equip. Center	50,000
Defense Logistics Services Center	50,000
DSA Administrative Support Center	10,000

(8) Each exercise of an option, regardless of whether the basic contract was advertised or negotiated, and each order under a basic ordering agreement, when the action is in an amount equal to or in excess of that stated in § 1201.452-2(a)(7) for the activity concerned;

(9) Each order under an indefinite delivery type contract in which the amount of the order is equal to or in excess of that stated in § 1201.452-2(a)(7) for the activity concerned, except where the basic contract was approved by HQ DSA.

(10) All actions incorporating the Life Cycle Costing concept.

(b) Orders placed against requirements contracts, other Federal agencies, or the National Industries for the Blind or Agencies for the Severely Handicapped are excluded from these review requirements.

§ 1201.452-3 Information to be furnished.

The complete contract file of those actions subject to HQ DSA review and approval shall be transmitted for review upon completion of negotiations but prior to award. DSA Form 677, "Request for Contract/Review/Approval," signed by the contracting officer and by the Commander, his deputy or the principal officer responsible for procurement shall be used to request review and approval. The file, including a copy of the current specification covering the basic item(s) or service(s), shall be arranged in accordance with ASPR supplement No. 2 and individual documents numbered and assembled in accordance with DSA Form 678, "File Content List," which shall be attached to DSA Form 677. All documents shall be securely fastened in the file which shall be assembled so as to permit viewing of each document without disassembling the file. A carbon copy of the DSA Form 677 and 678, together with copies of (a) the proposed contract (including the solicitation and all amendments thereto), (b) the review comments of the procuring activity review office, (c) determination and findings, (d) field pricing report, (e) cost/price analysis, (f) prenegotiation briefing memorandum, and (g) price negotiation memorandum shall be furnished for retention by HQ DSA. The purchasing office will be notified immediately by telephone when significant information is missing from the file or the available information is inadequate to permit review. Further review action will be withheld pending receipt of the required information. When a solicitation results in two or more proposed awards, one or more of which requires approval, the quantities, prices and names of proposed awardees shall be submitted with requests for approval and all awards will be withheld pending advice of required approval. Telephonic notification of approval, qualified approval, or disapproval will be furnished immediately with written approval evidenced on the original of DSA Form 677, "Request for Contract Review/Approval," which shall be made part of the contract file.

§ 1201.452-4 Release of information.

Prospective suppliers are not to be advised that awards have been forwarded to HQ DSA for approval.

§ 1201.452-5 Proposed shifts in procurements from a competitive to a noncompetitive basis.

A presolicitation approval of procurements in which it is proposed to shift from a competitive to a noncompetitive basis shall be required as follows:

(a) Procurements of more than $1 million shall be approved in advance by the HPA.

(b) Procurements of $10 million and over shall be approved in advance by the Director, DSA.

(c) Data to support the request for such a pre-solicitation approval shall be submitted to Headquarters, DSA, ATTN: DSAH-PC and shall include the following—

(1) Description of the supplies or services required;

(2) The estimated cost and fund availability;

(3) A summary of the purchase plan to include:

(i) performance dates;

(ii) Proposed dates for issuance of solicitation and award contract;

(iii) Synopsis intentions;

(iv) Type of contract proposed and basis therefor;

(v) Any applicable special requirements to be included in the schedule;

(vi) Any proposed deviations from ASPR or DSPR.

(4) Substantiation for the proposed shift from a competitive to a noncompetitive procurement.

§ 1201.452-6 Post award review.

Selected contracts will be subject to post award review. This review may be accomplished by a request for the contract file or during a visit to the applicable purchasing activity by HQ DSA contract review personnel. The results of these reviews and the results of the reviews accomplished prior to award will be utilized to determine future review levels for the activity involved.

§ 1201.452-7 Actions approved but not awarded.

If for any reason action subject to the requirements of § 1201.452-2 are reviewed and approved and subsequently not awarded, HQ DSA ATTN: DSAH-PC shall be so advised. A complete explanation of the failure to make the award shall be provided.

§ 1201.452-8 Cancellation requirements.

(a) In order to insure that supply discipline and financial stability are not attained at the expense of sound procurement methods and the responsibility of this Agency to its suppliers, the following review system is in effect:

(1) Each partial or total cancellation of an invitation for bids after opening shall be effected only with the approval of the Head of the Procuring Activity.

(2) Reprocurement of an item within 90 days after cancellation under (1) of this section, where the cancellation was occasioned by a revision of requirements or by funding limitations, shall have the prior approval of the Executive Director or Deputy Executive Director, Procurement and Production, HQ DSA. Requests for such approval should be submitted to the attention of DSAH-PP.

(b) Except as specified in (c) of this section, this procedure shall apply to cancellations for any reason other than failure to obtain coverage or unreasonableness of offered prices.

(c) This procedure shall not apply to procurements of nonstocked items or to procurements originated by a MIPR.

§ 1201.452–9 Letter contracts.

(a) Approval of the Executive Director or Deputy Executive Director, Procurement and Production, HQ DSA, or other HQ DSA official so delegated is required prior to award of letter contracts when the resulting definitive contracts will be subject to HQ DSA preaward review and approval under any of the criteria set forth in § 1201.452–2 (a). Requests for such authority are to be made by the Center Director, Procurement & Production and may be transmitted by electronic means (ATTN: DSAH–PC) and shall include, as a minimum:

(1) The facts supporting the requirement for a letter contract (§ 3–408 (b), and (c)) of this title.

(i) Why the interests of national defense demand that a contractor be given a binding commitment so that work can be commenced immediately;

(ii) Why negotiation of a definitive contract in sufficient time to meet the procurement need is not possible; and

(iii) The written determination that no other type of contract is suitable.

(2) A determination of the contractor's responsibility in accordance with § 1–904 of this title;

(3) The proposed unit price and total price ceilings for the definitive contract;

(4) The limit of the Government's liability under the letter contract;

(5) Any requirement for progress payments, provisional payments, and options for increased quantity;

(6) The proposed definitization schedule which shall include the dates for:

(i) Receipt of the contractor's proposal.

(ii) Commencement of negotiations.

(iii) Completion of negotiations.

(iv) Target date for definitization.

(7) The following additional milestone dates are to be submitted:

(i) Receipt of field pricing report.

(ii) Receipt of the center price analysis.

(iii) Submission of the definitive contract and supporting file for HQ DSA preaward review and approval.

(b) HQ DSA authorization is required prior to the modification of all letter contracts which required HQ DSA authorization when the proposed modification affects the:

(1) Unit price or total price ceilings of the definitive contract;

(2) Limit of the Government's liability under the letter contract;

(3) Definitization date.

(c) (1) A copy of the signed letter contract shall be forwarded to HQ DSA, ATTN: DSAH–PC within two weeks after its execution;

(2) Any anticipated or actual slippage in the definitization schedule or the additional milestones must be reported in writing to DSAH–PC. The reasons for the slippage and the revised schedule or milestone dates shall also be provided.

§ 1201.452–10 Requests for waiver of HQ DSA preaward review and approval.

(a) In the event extraordinary circumstances are present and immediate award of a procurement action is required, Directors or Deputy Directors of Procurement and Production may request the waiver of Headquarters' preaward review and approval requirements (see § 1201.452–2). Request for waivers from other than "procuring activities" (see § 1201.201–14) shall be made by the Chief of the Purchasing Office. Requests are to be transmitted to the attention of the Chief, Contract Review Office, HQ DSA (DSAH–PC) and, when immediate action is required, request may be telephoned.

(b) The granting of a waiver by the Executive Director or Deputy Executive Director of Procurement and Production HQ DSA (DSAH–P), does not constitute approval of the award or any deviations from applicable laws and regulations. All actions for which preaward review and approval is waived, shall be forwarded to HQ DSA, ATTN: DSAH–PC, for post award review within fourteen (14) days subsequent to award or such other mutually acceptable date.

(c) As a minimum, the following information shall be provided to support waiver requests:

(1) The extraordinary circumstances that require the immediate award of the procurement action (this should include a general chronology of events from receipt of the requirement to submission of the request);

(2) Description of the item (and quantity) being procured;

(3) The solicitation and contract number;

(4) The contractor's name;

(5) The total dollar value of the proposed award;

(6) The extent of competition. (If award is proposed to other than the low bidder/offeror, the rationale for not accepting the low bid/offer); and

(7) A statement that the contractor is responsible, preaward survey has been performed or waived by appropriate authority; and that, if required, EEO clearance has been obtained.

§ 1201.452–11 Confirmation of quantity and technical requirements.

Immediately prior to the award of any supply contract (other than an indefinite delivery type contract) in excess of $100,000 or for mobilization requirements, the contracting officer concerned shall insure that the cognizant Directors of Supply and Technical Operations at the procuring activities concerned (Chiefs of Supply and Technical Operations Divisions at DPSC) have confirmed that the quantities therein are still required and that the technical requirements specified are still current and not likely to be changed in the near future. Immediately prior to award shall be construed as that point in time when all required approvals have been obtained and the contract is ready for release to the contractor. With respect to eligible awards consummated as a result of MIPRs, confirmation of quantity and technical requirements shall be effected verbally with the MIPR Liaison/Coordination or item manager levels of the requiring departments. Appropriate documentation shall then be included in the contract file. Procuring activities are encouraged to establish similar procedures for significant awards below $100,000 as may be appropriate for their types of procurements.

§ 1201.453 Review and approval requirements at the procuring activity.

(a) Each DSA procuring activity shall establish and maintain requirements and procedures for review and approval of proposed contractual actions to assure conformance with law, regulations and established policy, and the exercise of good business judgment. The scope and depth of the review will be determined by Heads of Procuring Activities based on workload and available manpower, but as a minimum will encompass a representative number of actions, including sole bids/offers and complex or high dollar value procurements. In addition, randomly selected procurement actions including noncompetitive small purchases will be reviewed after award. A summary record of such post award reviews and the results thereof shall be maintained by the activity.

(b) The Contract Review Office, organized in conformance with DSAM 5810.1, shall perform the review function. The review shall be performed as a full time duty where workload requires one or more people for the review. The person selected as the Chief of the Contract Review Office, in addition to possessing the qualifications set forth for a contracting officer in § 1.405 of this title and § 1201.405, shall be a strong personality with demonstrated technical proficiency and capability of exercising sound business judgment. Personnel from other areas such as counsel, small business, technical operations, production, etc., may serve in an advisory capacity, as appropriate. Personnel may be rotated at intervals to ameliorate workload problems and to afford the individuals an opportunity to utilize the experience so gained.

§ 1201.454 Review and approval requirements for a procurement office not designated as a "procuring activity" (See § 1201.201–14).

The dollar threshold under §§ 1201.452–2(a)(3)(6), (4) and (5) is $25,000.

Subpart F—Debarment, Ineligibility, and Suspension

§ 1201.601 Establishment and maintenance of records and lists of firms or individuals, debarred, ineligible or suspended.

§ 1201.601–1 General.

The Counsel, HQ DSA shall maintain the DSA list which will contain only

the names of firms and individuals located in the United States, its territories and possessions.

§ 1201.601–3 Joint consolidated list.

The Counsel, HQ DSA shall furnish to the Department of the Army a listing of all additions, deletions, or modifications to the Joint Consolidated List resulting from DSA action.

§ 1201.601–50 Attempted evasions.

In some instances, firms or individuals have attempted to evade the prohibitions contained in § 1.604 and § 1.605 of this title and §§ 1201.604 and 1201.605 by change of address or by formation of a new company. In such cases where it can be reasonably established that the suspended or debarred firm or individual has the controlling or active interest in a new company, or that the address is the same as that of the suspended or debarred firm or individuals, a report shall be submitted through channels to the Counsel, HQ DSA.

§ 1201.603 Grounds for listing and treatment to be accorded listed concerns.

§ 1201.603–50 Total restrictions.

If an offer is tendered by a debarred or suspended contractor it shall be received and recorded. When an offer is rejected, the reason shall be stated in the certificate to the General Accounting Office as follows:

The bid of _____ is rejected pursuant to § 1.603 of this title.

§ 1201.604 Administrative debarment of firms or individuals (Type A).

§ 1201.604–3 Notice of debarment.

Upon the debarment or removal from debarment of a contractor prior to termination of the specified period, the Counsel, HQ DSA shall furnish advice of such action to the contractor, and to the General Services Administration in accordance with § 1–604.3(b) of this title.

§ 1201.605 Suspension of firm or individual.

(a) *Payments.* Where suspension is recommended or a contractor is suspended, no payments shall be made without the prior approval of the Counsel, HQ DSA. Upon receipt of a notice of suspension, disbursing officers shall retain all administratively approved vouchers in favor of the contractor pending instructions from the contracting officer. Offices holding or in receipt of proper invoices covering amounts due to suspended contractors shall prepare and administratively approve the necessary vouchers and shall forward the certified vouchers to their assigned disbursing officers, inviting attention to the fact of suspension. This procedure shall be followed whenever any additional or new amounts become due during the period of suspension. When in the opinion of the Head of the Procurement Activity concerned, the circumstances surrounding either the procurement or the suspicion of fraud or criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due the suspended contractor, a recommendation for such release including a full statement supporting such recommendation shall be made to the Counsel, HQ DSA.

(b) *Terminations.* Negotiations toward settlement of terminated contracts shall cease with the suspension of a contractor. Negotiations must likewise cease with respect to terminated subcontracts either awarded or held by a suspended contractor. All authorizations granted to such a contractor under Part VIII of this title or Part 1208 of this subchapter shall be revoked immediately.

(c) *Awards.* Bids submitted by suspended contractors shall not be rejected by contracting officers solely because of the suspension but will be received, recorded and retained in accordance with established procedures. When a suspended contractor is the low bidder or offeror (or, in the case of surplus and salvage sales, the high bidder), and the procuring activity considers it in the interest of the Government to accept the bid or offer, information relating to (1) the low (or high) bid or offer and the next lowest (or highest) bid or offer; (2) expirations of options and whether such options may be extended; and (3) the desirability or necessity of acceptance of the suspended contractor's bid or offer shall be reported together with recommended action in the same manner as set forth in S1–608 of this title for a determination as to the placement of any awards with the suspended contractor.

(d) *Inquiries.* Inquiries by procuring activities concerning the status of reported cases shall be transmitted in triplicate to the Counsel, HQ DSA.

§ 1201.608 Reporting.

Heads of Procuring Activities shall submit the reports described in § 1–608 of this title, which shall be designated "For Official Use Only" unless the details included warrant a security classification.

§ 1201.650 Review of past contractual relationships.

When the name of a concern has been added to the consolidated listing in § 1–601 of this title, or a report is submitted requesting suspension or debarment, a review shall also be made of contractual relationships with the company and its affiliates for the previous two years, or longer if considered necessary to determine whether the Government may have any basis for recovery of damages, or payments from the contractor.

Subpart G—Small Business Concerns

§ 1201.702 General policy.

(a) The Small Business Program shall be conducted as an integral element in the DSA mission to achieve effective and efficient military supply.

(b) A continuing effort shall be made to stimulate the maximum qualified competition for DSA contracts, with special emphasis directed toward promoting that of small business firms. Contracting personnel should prepare all solicitations so as to preclude insertion of provisions that may limit competition from small business firms.

(c) Procurement officials and Small Business Specialists shall take all possible and reasonable actions to inform small business firms of subcontracting opportunities being offered by prime contractors.

§ 1201.702–50 Counseling activities.

(a) This subpart covers the general objectives of counseling and provides guidance to the Small Business Specialist in the conduct of his counseling activities. It also covers the materials that may be used in counseling practice.

(b) Each Small Business Specialist shall develop a personalized approach to, and pattern for, his counseling activities, to include the following concepts:

(1) The basic attitude toward counseling must be that of "service" to the businessman. Each DSA Small Business Specialist is a counselor for all DSA centers. Under no circumstances is an inquiry to be handled casually in an endeavor to dispose of the problem with the least amount of effort, nor should an inquirer be told to get in touch with another DSC. When a Small Business Specialist determines that an inquirer's problem can best be handled in another DSC he should make the necessary contact, introduction, and appointment. To the maximum extent possible, the same approach should be taken when the inquirer's problem must be handled by another element of the Department of Defense or by another Government agency. In short, industry inquiries shall, whenever possible, be handled on a "one-stop-service" basis.

(2) The major objective of counseling is to attract the maximum number of qualified competitors for DSA contracts.

(3) A supporting objective of counseling is to provide as complete as possible service to all inquiries. Whether or not a businessman is found to be a potential bidder for DSA contracts, efforts shall be made to identify for him other Government agencies which might be interested in what he has to offer.

(c) In counseling, the primary role of the Small Business Specialist is to assist a businessman in his attempt to do business with DSA and, secondarily, with other elements of the United States Government. The Small Business Specialist, however, must not attempt to interpret invitations for bid, requests for proposals, specifications, or related documents. If the need for such interpretation becomes evident, the Small Business Specialist shall arrange an interview for the businessman with the appropriate contracting officer or his designee.

(d) The Small Business Specialist shall maintain adequate stocks of all Government publications designed to assist the operator of a small business in his approach to selling to DSA and to other elements of the United States Government. The Specialists must have

available for reference the cataloging handbooks, Federal Supply Classifications, regulations, and directories necessary to provide adequate information to inquiring businessmen.

(e) The HQ DSA Small Business Advisor shall serve as a focal point for arranging for the initial distribution and replenishment stockage of those publications made available by Government agencies; and shall assist, if requested, in arranging for replenishment of these documents.

(f) Centers are urged to develop pamphlets and brochures describing the opportunities for businessmen which they provide. When these documents are published, provisions shall be made to supply the HQ DSA Small Business Specialists in the other supply centers and the HQ DSA Small Business & Economic Utilization Advisor with an initial stock of fifty copies. The initial distribution shall be accompanied by instructions for replenishment. The provision of copies for the HQ DSA Special Assistant for Public Affairs should be coordinated with the local Public Affairs Office.

§ 1201.705 Cooperation with the Small Business Administration.

§ 1201.705–4 Certificates of competency.

(a) When a small business is determined nonresponsible because of lack of capacity or credit, but it is determined under the authority of § 1–705.4(c)(iv) of this title that the expediency of the requirement precludes referral to the Small Business Administration (SBA) for Certificate of Competency (COC) action, award to the next lowest responsible bidder must be made within the 15 working day period established in § 1–705.4(c) of this title for SBA COC action. If such award cannot be made in this time period, SBA should be given an opportunity to consider the issuance of the Certificate of Competency. All efforts should be made through proper procurement planning to provide sufficient time for COC action by SBA, should such action become necessary. This includes (1) the issuance of procurement requests at a time early enough to allow sufficient time for orderly procurement, (2) the earliest possible request for pre-award survey, (3) the handling of COC referrals by telephone where appropriate and (4) expeditious follow-up of COC referrals.

(b) When the urgency situation contemplated by § 1.705.4(c)(iv) of this title clearly exists, the requiring activity shall fully document the urgency involved, indicating exact dates, quantities, usage data, etc. These determinations shall be coordinated with the Small Business Specialist and approved in accordance with § 1–705.4 of this title before the low small business bid is bypassed and award made to a higher bidder.

(c) § 1–705.4(c)(vi) of this title requires that when a contracting officer makes a determination that a small business concern is not responsible for reasons other than deficiencies in capacity or credit, his decision must be supported by substantial evidence documented in the contract file. When such a determination is made, the documentation shall be reviewed to assure that the evidence presented substantiates the decision as to the concern's lack of integrity, business ethics or persistent failure to apply the necessary tenacity and perseverance to do an acceptable job. For DSCs, this review shall be made by the HPA, or his designee. For other purchasing activities, the review shall be made by the Activity Commander or his designee. In addition, for each case where a determination is made under § 1–705.4(c)(vi) of this title, a copy of all pertinent information, including supporting documents, shall be forwarded to HQ DSA, ATTN: DSAH–PS, for informational purposes.

(d) Contracts involving a contractor to whom a COC was issued by SBA, or to whom loans were made with SBA participation, shall not be terminated for default without prior approval by the HPA.

(e) § 1–705.4(f)(iii) of this title provides that in cases where the Contracting Officer requires the issuance of a COC by SBA as a prerequisite to contract award, approval of such action will be obtained at a level above the Contracting Officer. For those cases where this situation exists, Contracting Officers will obtain approval from the Director, Procurement and Production prior to informing the SBA Field Office that a certificate must be issued.

§ 1201.705–5 Contracting With the Small Business Administration.

Business Development Expense. By agreement with SBA, the SBA will provide the DOD an order for business development expenses in advance of the placing of a prime contract with SBA. The amount to be covered by the order is determined in advance of contract award by a comparison of the total price negotiated with SBA and the subcontractor (in accordance with existing procedures in § 1–705.5 of this title) with the price at which the same or similar items might be purchased on the open market, as agreed with SBA. The prime contract price placed by DOD with that Agency will include those expenses as a part of the cost of the items ordered and will not be separately identified in the contract. DOD funds, which will include the anticipated reimbursement from SBA, will be cited on the contract. Upon award of the contract, SBA will be billed against their reimbursement order under procedures set by the Comptroller, HQ DSA.

§ 1201.705–50 Participation in industrial assistance events, business opportunity/Federal procurement conferences, procurement clinics, fairs, etc.

(a) The office of the HQ DSA Small Business and Economic Utilization Advisor will act as the overall coordinator for DSA participation in industrial assistance events (IAEs) and other business opportunity conferences. All events will be coordinated with the Office of the Special Assistant for Public Affairs, HQ DSA.

(b) Requests for DSA participation in events being sponsored by Federal or local Governments, Chambers of Commerce involving more than the local DSA office will be coordinated with the DSA Advisor's office. For local events involving the local activity only, reports as to the type and kind of Agency participation will be provided to the Advisor's office or as soon as practicable after the event is held.

(c) For Business Opportunity/Federal Procurement conferences sponsored by Congressional offices, with DSA participation requested by the Office of the Assistant Secretary of Defense (I&L), the office of the HQ DSA Small Business and Economic Utilization Advisor will coordinate the Agency's participation requesting assistance and participation by appropriate DSA field activities. Participation in these events will be conducted as directed by the DSA Advisor's office.

(d) To the maximum extent practicable, each DSC shall, as requested, participate in IAEs, and shall budget, on a yearly basis, funds necessary to cover travel costs for these events. On the basis of past experience, this would involve approximately seven trips per year. These include procurement clinics, small business/federal procurement conferences, expositions, and similar activities designed to increase the competition of qualified small business and other firms for DSA and other Government activity contracts.

(e) Participation in these events shall consist primarily of attendance by small business specialists and procurement personnel for the purpose of counseling and advising businessmen on how they may do business with DSA. Exhibits of DSA items, talks by DSA officials, and the showing of relevant DSA films may be included when appropriate.

(f) The type of participation by each DSC shall be as directed by the DSA Small Business and Economic Utilization Advisor and should reflect the extent to which the businessmen attending the event may be potential sources of supply for DSA. Efforts should be made to announce procurements and items of interest to these businessmen in time to permit appropriate counseling at the event.

(g) Individual supply centers may also develop and sponsor industrial assistance events oriented exclusively to the individual procurement programs. Planning for such events should be effected in close coordination with the office of the HQ DSA Small Business and Economic Utilization Advisor and the Center and HQ DSA Special Assistant for Public Affairs.

§ 1201.706 Set-asides.

§ 1201.706–3 Review, withdrawal, or modification of set-asides or set-aside proposals.

Regarding the small business set-aside appeal procedures provided to the SBA Procurement Center Representative, § 1–706.3(e) of this title provides that appeals shall be made to the Chief of the Purchasing Office. Within DSA, in the event the decision of the Chief of the Purchasing Office would approve the action of the contracting officer, the appeal shall be elevated to the Center or Depot Commander for final decision. If the Commander's decision also approves the action of the contracting officer, the SBA representative shall be advised and may proceed with further appeal actions as prescribed in § 1–706.3(e) of this title.

§ 1201.707 Subcontracting with small business concerns.

§ 1201.707–50 Subcontracting for contracts awarded pursuant to section 8(a), Small Business Act.

Should the DSA Procuring Contracting Officer need to retain approval authority on subcontract requests in special instances (e.g., health and safety, items involving the QML/QPL, etc.), a clause similar to the provision below may be incorporated into the contract awarded to SBA. The prohibition against further subcontracting is intended to apply only to that part of the work required by the contract, and represented to be performed by the SBA subcontractor. The SBA subcontractor should not be precluded from purchasing raw materials, or other items, which, in accordance with industry practice, are normally purchased/subcontracted. The clause set forth below should be required/modified as necessary to comply with the intent of this paragraph and should be limited to special programs.

"Subcontracting for Contracts Awarded Pursuant to Section 8(a), Small Business Act (DSA 1973 Oct).

The subcontractor shall not further subcontract the manufacture/performance of any of the supplies or services required under this contract without prior written approval of the cognizant DSA Procuring Contracting Officer.

Subpart I—Responsible Prospective Contractors

§ 1201.905 Procedures for determining responsibility of prospective contractors.

§ 1201.905–1 General.

When the contracting officer makes a determination regarding the prospective contractor's responsibility that is contrary to that recommended in the preaward survey report, the reason for not following the preaward survey report recommendation shall be included in the contract file. In each instance wherein the preaward survey report recommendation is not followed, the case must be reviewed and concurred in at a level no lower than the Director of Procurement and Production. Procuring contracting officers shall advise the DCAS office performing the preaward survey as to the reason for not following the DCAS preaward survey recommendation.

§ 1201.905–4 Preaward surveys.

(a) Preaward surveys shall be accomplished in accordance with § 1–905.4, Appendix F 200.1524, Appendix K of this title, and DSAM 4100.2, section VIII.

(b) A preaward survey shall be requested only when an award is contemplated to a firm from which a bid or proposal has been received. Concurrent requests for preaward surveys on the same procurement will not be made except in emergency situations and/or when multiple awards are contemplated.

(c) Preaward surveys on sole source suppliers shall be limited to partial surveys. Factors requested for investigation shall be those that actually affect the contract, such as production backlog, financial, and quality.

(d) A preaward survey shall be made unless there is current quality, production and financial information available to waive the requirement. Even if the prospective contractor is currently producing or has successfully performed under a recent contract (within one year) and is being considered for an award of a similar undertaking, i.e., similar item and similar size contract, a partial survey may be required to determine current financial capability and capacity. However, if the same contractor is being considered for a much larger contract or a contract involving a fundamentally different undertaking, a complete or partial survey, as indicated by the circumstances, shall be requested. If the prospective contractor is newly entering into the manufacture of the goods sought by the Government or has no recent history of performance of a similar undertaking, a complete survey shall be requested.

(e) A decision by a contracting officer not to request a preaward survey for a proposed award in excess of $100,000 (except for perishable and commodity market subsistence items and bulk fuel) shall be approved at the level of the Director of Procurement and Production. For Defense Subsistence Regions, approval shall be at the level of the Chief, Purchasing Division.

(f) When a decision is made not to request a preaward survey, an explanatory memorandum will be included in the contract file establishing the contracting officer's decision to waive the preaward survey on proposed awards of $100,000 and over.

(g) Quality Assurance Division personnel shall assist in the determination to request or waive preaward surveys, evaluate OA portions of preaward survey reports, and participate in preaward surveys when the contract will be for a complex item, the potential contractor has a poor quality history or when requested by DSA.

Subpart L—Specifications, Plans and Drawings

§ 1201.1203 Availability of specifications, standards, plans and drawings.

The following modifications shall be made to the "Availability of Specifications and Standards" provision referenced in § 1–1203.2(a) of this title:

(a) Renumber paragraph (b) to (c).

(b) Insert new paragraph (b):

(b) The minimum processing time required by the U.S. Naval Publications and Forms Center for mailing requested documents is seven (7) days after receipt of written requests and two (2) working days after receipt of telephone requests.

Subpart U—Advance Procurement Planning

§ 1201.2100 Advance procurement (AP) planning.

§ 1201.2100–2 Applicability.

Advance Procurement Plans will be required for all procurements other than those effected under section III, part 6 of this title. Advance Procurement Planning will (a) be initiated at the time the Purchase Request is received by the Buyer (b) be prepared substantially in accordance with the sample format shown in § 1201.2102 and (c) be approved at a level higher than the Buyer; the approval level to be established by each DSC.

§ 1201.2102 Sample format for the preparation of Advance Procurement Plan.

ADVANCE PROCUREMENT PLAN

PR/MIPR Number: _____ Date Received: _____ Buyer: _____
Item Description: _____
Quantity: _____ Est. Unit Price: _____ Est. Total Price: _____
Delivery Schedule: _____
Supply Criticality (Priority): _____

PURCHASE HISTORY

Date	Quantity	Unit Price	Method of Procurement Adv.	Method of Procurement Nrg.	Competitive Bids/Offers Number	Competitive Bids/Offers $ Range

CONSIDERATIONS

Set Aside: Small Business _____ 100% Partial None Labor Surplus: _____ 100% Partial None
Quantity Option: _____ % Price Escalation: _____ %First Article Test: _____ Yes No
Cost/Pricing Data: _____ DD Form 633 DD Form 633-7 Not Required Open Contracts: _____ Yes No
Warranty: _____ GFP Involved: _____ Yes No

PROPOSED METHOD OF PROCUREMENT

a. Negotiate: _____ Written Oral 10 USC 2304(a) _____ Advertise: _____ PIN: _____
b. Schedule:

	Date
Issue Solicitation	
Open/Close Solicitation	
Evaluate/Review	
Award	

Remarks:

Signature Buyer: _____ Date: _____
Signature Approving Official: _____ Date: _____

Subpart V—Industrial Preparedness Production Planning

§ 1201.2205 Existing authority affecting the industrial base.

(a) (1) (i) As part of the Industrial Preparedness Planning (IPP) Program, § 3–216 of this title authorizes the negotiation of contracts for selected supplies with certain planned producers. Negotiation is limited to those producers who have in effect, or those offerors who will agree to execute a DD Form 1519 (Production Planning Schedule). Though not legally binding on the parties, this document signifies the Government's intention when authorized to convert such planned mobilization production schedules to contracts in order to minimize material shortages during national emergencies.

(ii) Pursuant to 10 U.S.C. 2304(a) (1), as implemented by § 3–201 of this title, the Secretary of Defense may authorize IPP contract negotiation. In such event, the Chief DSAH–PR, shall notify the Defense Supply Centers to issue Standard Letter Contracts (DSPR § 120 7–850) in accordance with their emergency procurement plans to all producers having a current DD Form 1519 in effect. The Letter Contract will require the recipient to commence production immediately. Thereafter, the parties shall negotiate a definite contract in accordance with the Letter Contract's definitization schedule.

§ 1201.2206 Applicable procedures.

§ 1201.2206–50 Industrial preparedness planning packages.

(a) *General.* (1) The principal objective of IPP is not the completion of planning, but rather its final implementation. The implementation of plans for emergency procurement will depend on the degree of mobilization.

(2) DSCs shall develop and maintain the IPP packages for use during mobilization. IPP elements at the DSCs should maintain close coordination with procurement elements to ensure that contracting officers and other procurement personnel are familiar with the objectives of the program, and are aware of the existence of mobilization procurement plans.

(b) *Composition of the Package.* The IPP package shall be established and maintained for all planned items. The package should include the Industrial Preparedness Plans (DSA Forms 1344 and 1345) and Standard Letter Contract.

(c) Industrial Preparedness Plan:

(1) Industrial Preparedness Plans shall be established and maintained for all planned items. The plan shall consist of information for the operation of DSA field activities, progress and status information for HQ DSA, ATTN: DSAH–PR; and the necessary information required for an alternate to perform under emergency conditions.

(2) Continuous review shall be made to ensure inclusion of current data regarding requirements, planned producers, and production schedules. DSCs shall update or revise the plan at least yearly, or more frequently as changes warrant. Recipients of this plan shall be provided revised editions as appropriate.

(3) The IPP shall contain mobilization requirements and production data and shall reflect the specific planned producers, their phased production schedules and other information relating to these schedules. Where plans are developed for several or many similar items, consideration should be given to grouping the data for such items into one plan. This will consist of consolidating the requirements for all the items and the production for all the items scheduled with each planned producer. Normally, only unclassified data will be included in this plan. In the event a DSC desires to include classified data, HQ DSA, ATTN: DSAH–PR shal be advised on the necessity of such data prior to its inclusion.

(4) DSA Form 1345, Industrial Preparedness Plan, and DSA Form 1344, Planned Producers and Schedules, have been developed for use by all DSCs.

(d) *Standard Letter Contract (IPP).* (1) The basic IPP implementing document shall be the Letter Contract (7–850). DSCs shall prepare the Letter Contracts as data becomes available and decisions made as to selected sources of supply and production schedules.

(2) DD Forms 1519 are informal production agreements not legally binding on either the Government or planned producers. These documents indicate the Government's intention to convert planned mobilization production schedules to contracts by negotiating on a selective basis as may be required to minimize material shortage during a limited war. Therefore, an additional procedural step is necessary to authorize the contractor to initiate his planned production.

(3) The authority for negotiating procurement in the event of a national emergency is 10 U.S.C. 2304(a) (1) cited in § 3–201 of this title. Upon receipt of advice from the Secretary of Defense that expanded use of negotiated procurement under a national emergency is authorized, the Chief, DSAHPR, will notify DSCs to implement their emergency plans. The document to do this is the Letter Contract.

(4) Adequate cross-reference should be included to identify producers who are scheduled to produce more than one item. In such cases, only one Letter Contract should be furnished to the producer, listing all the items scheduled for production.

(5) Attachments such as specification, should be readily available to be included with the contract mailed to the producer. A letter, explaining the implementation procedure, shall be forwarded to each planned producer upon completion of planning to ensure that manufacturers are aware of this procedure.

(e) *Implementation of Plans.* (1) Plans shall be implemented only to the degree necessary to support a specific emergency. Full implementation of plans for mobilization procurement and release of Letter Contracts for planned items are contemplated under *full* mobilization.

(2) Under partial mobilization wherein the use of full Approved Force Level is not required, the DOD policy will be to acquire military support with minimum impact on commercial production. The need for imposing economic controls on the civilian segment of the nation will depend on the ability to obtain the required military suppliers without disturbing the civilian economy.

(f) *Alternate Files Maintenance.* (1) Copies of each IPP package shall be furnished to HQ DSA, ATTN: DSAH–PRS;

to the Alternate Files, Emergency Relocation Site; to the DSA Central File Repository; and to the Procurement Files at the Alternate National Military Command Center (ANMCC). Appropriate mailing addresses can be found in the DSA Field Activity War and Emergency Support Plan (FAWESP) by July 15 of each year. Since the prime objective of IPP is implementation, DSCs should ensure that these files are kept current. HQ DSA (DSAH-PR) will annually inspect these files to ensure that they are being properly maintained for use in an emergency.

(2) DSCs should also furnish a copy of each items specification/drawing to the Alternate File, Emergency Relocation Site (ERS). Address for this file is contained in the War Emergency Support Plan (WESP).

PART 1202—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

Sec.
1202.201 Preparation of invitation for bids.
1202.201–50 Right to apply FOB origin offer.
1202.203 Methods of soliciting bids.
1202.203–50 Other distribution.
1202.205 Bidders mailing lists.
1202.205–6 Pre-invitation notices.

Subpart C—Submission of Bids

1202.303 Late bids, modifications of bids or withdrawals of bids.
1202.303–5 Hand-carried bids.

Subpart D—Opening of Bids and Award of Contract

1202.406 Mistakes in bids.
1202.406–3 Other mistakes.
1202.406–4 Disclosures of mistakes after award.
1202.406–50 Actions referred to higher authority.
1202.407 Award.
1202.407–1 General.
1202.407–3 Discounts.
1202.407–6 Equal low bids.
1202.407–8 Protest against award.
1202.407–50 Other factors to be considered in determining price reasonableness.
1202.408 Information to bidders.
1202.408–1 Unclassified awards.
1202.450 Requests for Decision by the Comptroller General.

AUTHORITY: The provisions of this Part 1202 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Solicitation of Bids

§ 1202.201 Preparation of invitation for bids.

§ 1202.201–50 Right to apply FOB origin offer.

Section D, Evaluation Factor for Award

(1) A provision substantially as below may be included in invitations for bids when appropriate. The intent of the provision is to permit the Government to award FOB origin offers that otherwise could not be covered in a formally advertised procurement. Example—items 1 and 2 are for the same product, but different item numbers are used because of the different destinations. FOB origin offers are permitted. Bidders A and B bid FOB origin on item 1. No bids are received on item 2. Item 1 is awarded to Bidder A. Under present conditions, item 2 would have to be resolicited. With the below provision, and provided the bidder had not specified otherwise, the Bidder B offer could be applied against item 2. Assuming Bidder B's price was reasonable, item 2 could be awarded to Bidder B and the need for a resolicitation negated.

Right to Apply FOB Origin Offer. Unless otherwise specified by the Bidder, the Government may apply an FOB origin offer against any FOB origin item or subitem for the same product or supplies.

§ 1202.203 Methods of soliciting bids.

§ 1202.203–50 Other distribution.

One information copy of each invitation for bids involving the production testing of items will be forwarded at time of issue to HQ DSA, ATTN: DSAH-PR and DSAH-SER in accordance with DSAR 4125.1.

§ 1202.205 Bidders mailing lists.

§ 1202.205–6 Pre-invitation notices.

Pre-Invitation notices may be used (a) to determine competitive interest, or (b) to avoid the reproduction and mailing of unnecessary quantities of solicitations.

Subpart C—Submission of Bids

§ 1202.303 Late bids, modifications of bids or withdrawal of bids.

§ 1202.303–5 Hand-carried bids.

Suppliers shall be notified that it is a responsibility of the bidder to place his bid in the bid depository if a bid is handcarried. Each DSA activity shall establish procedures to ensure that Government personnel do not handle, stamp, or mark the bid envelopes prior to placement of the bids in the depository by the supplier.

Subpart D—Opening of Bids and Award of Contract

§ 1202.406 Mistakes in bids.

§ 1202.406–3 Other mistakes.

(a) Reserved.

(b) Authority to make the determinations set forth in § 2-406.3(a)(1) of this title is delegated to Counsel at DSA procuring activities and purchasing offices without power of redelegation. Requests for the determinations required by § 2-406.3(a) (2), (3), and (4) of this title will be forwarded through Heads of Procuring Activities to the Counsel, DSA.

(c)–(f) Reserved.

(g) A copy of the administrative determination permitting withdrawal of a bid will be forwarded to the Counsel, DSA, when executed.

§ 1202.406–4 Disclosure of mistakes after award.

A copy of the determination and finding will be attached to all copies of the contract modification and a copy of the modification will be forwarded to the Counsel, DSA, when executed.

§ 1202.406–50 Actions referred to higher authority.

Mistakes in bids requiring action by higher authority or mistakes in bids in which the HPA desires that the determinations be made by higher authority shall be forwarded to the Counsel, DSA.

§ 1202.407 Award.

§ 1202.407–1 General.

It is particularly important that copies of the award document furnished for contract administration and finance purposes include detailed information as to acceptable additions or changes made by a bidder in the bid. The award documents shall include the following data to the extent applicable:

(a) A list of the items or lots accepted with the quantity, unit price, and total price of each item;

(b) An indication of the extent to which award is made on the basis of f.o.b. destination or f.o.b. origin;

(c) Any discount offered by the successful bidder, whether or not such discount was considered in the evaluation of bids;

(d) When the invitation for bids authorizes bids on the basis of brand name or equal the brand, model, part number, and any other identifying characteristics of the item to be furnished by the successful supplier;

(e) The place of manufacture of the supplies or the performance of services awarded and the name of the supplier, when different from that of the contractor;

(f) The place of inspection and acceptance and the name of the activity authorized to effect inspection and acceptance on behalf of the Government;

(g) When the invitation for bids includes the requirement for minimum size of shipments or guaranteed maximum shipping weights (and dimensions, if applicable), and award is made f.o.b. origin, a clause as follows:

NOTE TO ADMINISTRATIVE CONTRACTING OFFICER

This award has been made on the basis of Guaranteed Maximum Shipping Weights or dimensions, and/or Minimum Size of Shipments as specified. Take action in accordance with DSAM 8105.1, Sec. 19–210, if it becomes evident that the guaranteed maximum shipping weights or dimensions will be exceeded, or if the contractor tenders delivery of less than the minimum size shipments specified in order that action may be taken to adjust the contract price.

(h) The time of delivery;

(i) The place of delivery;

(j) The place for the submission of invoices and payment;

(k) A statement that the award confirms a notice of award;

(l) A statement that the progress payment clause is a part of the contract; and

(m) A provision for advance payments.

§ 1202.407–3 Discounts.

(a) The clause in § 7–2003.35 of this title shall be included in all invitations for bids, using the minimum periods of 20 calendar days where delivery and acceptance are at point of origin and 30 days where delivery and acceptance are at destination, except for subsistence items for which DPSC retains the pay-

ment function which, by industry practice, the discount period is 10 calendar days.

§ 1202.407–6 Equal low bids.

(See also § 1–111 of this title). Whenever identical or equal bids are received pursuant to formal advertising and, in the opinion of the contracting officers, are indicative of collusive bidding, follow-the-leader pricing, related low bids, division of business, uniform estimating systems, or other practices designed to eliminate competition or to restrain trade, a report of the facts and pertinent information available which might tend to establish possible violation of the antitrust laws shall be forwarded to the Counsel, DSA.

§ 1202.407–8 Protest against award.

(a) *Protests before award.* (1) When it is known that a protest against the making of award has been made to a higher Headquarters or to the Comptroller General, no award shall be made until the matter is resolved unless the determination required by § 2–407.8(b)(3) of this title, has been made by the contracting officer and approved by the Executive Director, Procurement & Production, HQ DSA, after coordination with the Counsel, DSA. The Counsel, DSA shall be responsible for obtaining the views of the Comptroller General in such cases in accordance with § 2–407.8(b)(2) of this title.

(2) Reports on protests submitted for final resolution to a level of authority above the Head of a Procuring Activity shall be forwarded in triplicate to the Counsel, DSA. Reports on such protests shall include the following information:

(i) A signed statement from the person making the protest, setting forth the facts on which the protest is based and any additional supporting evidence;

(ii) A signed statement when relevant, from other persons or bidders affected by or involved in the protest, setting forth the protest, setting forth the facts with respect to their position in the matter and any additional supporting evidence;

(iii) A copy of the bid submitted by the protesting bidder, and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;

(iv) A copy of the invitation for bids including, where practicable, pertinent specifications relative to the protest;

(v) A copy of the abstract of bids;

(vi) Any other documents which are relevant to the protest; and

(vii) A statement signed by the contracting officer setting forth his findings, actions and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the protest. If the award was made pending resolution of the protest, the contracting officer's statement will include the determination prescribed in §2–407.8(b)(3) of this title.

(b) *Protest after award.* Where a protest is received after the award of the contract the following action will be taken:

(1) Where it reasonably appears that the award may be held invalid, and a delay in receiving the supplies or services is not prejudicial to the Government's interest, the contracting officer should seek a mutual agreement with the successful bidder to "stop work" on a no-cost-basis.

(2) If the contractor refuses to enter into such a mutual agreement, the Head of the Procuring Activity may direct the contracting officer to issue a "stop work" order unless the Head of the Procuring Activity determines that receipt of the supplies or services is so urgent that such an order would be prejudicial to the interest of the Government.

(3) Where guidance from higher authority on the withholding of contractor performance is necessary the matter will be submitted to the Counsel, DSA.

(4) Where it is known by the purchasing activity that a protest after award has been lodged directly with the Comptroller General, the documents required by (b) above will be forwarded to the Counsel, DSA.

§ 1202.407–50 Other factors to be considered in determining price reasonableness.

If in the opinion of the contracting officer the formal advertising procedure in itself does not insure competition sufficient for arriving at a fair and reasonable price, he will also consider valid criteria, such as, but not limited to:

(a) Prices paid by his or other Government purchasing activities on past procurements;

(b) Price trend information from the daily press, trade, or Government publications;

(c) Current market prices for comparable quantities;

(d) Extent of comparable pricing;

(e) Cost analysis of similar procurements; and

(f) Contractors' published commercial price lists.

In those instances, where this additional analysis is made, the contract file will be documented to reflect the actions taken to determine the reasonableness of bid prices.

§ 1202.406 Information to bidders.

§ 1202.406–1 Unclassified awards.

Notification to unsuccessful bidders should be given promptly after an award has been made. It should not be delayed pending preparation and distribution of contractual documents. Generally, a form postal card is adequate for notification to unsuccessful bidders. However, in cases where a bidder is apparently low based on a comparison of bid prices only, the notification should take the form of a letter including in addition to the minimum requirements set forth in § 2–408 of this title, the specific reasons for rejection of the lower bid. This is especially important where rejection results from a transportation evaluation, a negative preaward survey, or for any reason not readily apparent to the bidder. The following is an example of such a letter. This letter may be modified to fit the specific circumstances of the procurement.

Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. ——. This is to inform you that award was made to:

Contractor City State Item No. Price

Your interest in bidding on the requirements of this Center is appreciated; however, we were unable to make the required determination that your company is "responsible" within the meaning of that term as defined in paragraphs 1–902 of the Armed Services Procurement Regulation. The information upon which our decision was based was contained in a preaward survey which was issued by _____ (insert name of appropriate activity). Further details with respect to their findings will be furnished by that activity if you so request.

Your name will be retained on the bidders list to receive future solicitations.

A letter such as the above, if complete and issued promptly, should minimize further correspondence and result in improved contractor relations.

§ 1202.450 Requests for decision by the Comptroller General.

Where a decision by the Comptroller General is desired on procurement or disposal matters such as mistakes in bids, remission of liquidated damages, reformation of contracts or other contract issues, the request will be forwarded to the Counsel, Hq, DSA. Each case submitted for a Comptroller General decision will be accompanied by an administrative report which shall include a summary of the matter at issue, the recommendation of the procuring activity, and all documents and information deemed pertinent to the issue.

PART 1203—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Sec.

1203.103 Records and reports of negotiated contracts.

Subpart B—Circumstances Permitting Negotiation

1203.202 Public exigency.

1203.202–2 Application.

1203.209 Perishable or nonperishable subsistence supplies.

1203.209–50 Procurement of fresh fruits and vegetables by best value selection.

1203.215 Negotiation after advertising.

1203.215–2 Limitation.

Subpart C—Determinations and Findings

1203.302 Determinations and findings by the Secretary of a Department.

1203.303 Determinations and findings below the Secretarial level.

1203.303–50 Determinations and findings for procurement negotiated under 10 USC 2304(a)(10).

1203.306 Procedure with respect to determinations and findings.

1203.306–50 Class determinations and findings (CDFs).

Subpart E—Solicitations of Proposals and Quotations

Sec.
1203.501 Preparation of request for proposals or request for quotations.
1203.509 Protests against award.
1203.550 Distribution of copies.

Subpart F—Small Purchase and Other Simplified Procedures

1203.604 Competition and price reasonableness.
1203.604–1 Purchases not in excess of $500.
1203.604–50 Pricing techniques in the absence of adequate pricing competition.
1203.604–51 Minimum billing and service charges.
1203.605 Blanket purchase agreement (BPA).
1203.605–2 Limitation on use.
1203.605–50 Establishment of Blanket Purchase Agreements with Federal Supply Schedule (FSS) contractors.
1203.605–51 Quantity break provision for inclusion in small purchases.
1203.606–50 Fast payment procedure.

Subpart H—Price Negotiation Policies and Techniques

1203.801 Basic policy.
1203.801–2 Responsibility of contracting officers.
1203.805 Written and oral discussions.
1203.805–1 General.
1203.807–3 Cost or pricing data.
1203.807–6 Refusal to provide cost or pricing data.
1203.811 Record of price negotiation.

Subpart L—Cost Accounting Standards

1203.1203 Prime contractor disclosure statement(s).
1203.1210 Cost Accounting Standards Board Report.
1203.1211 Waiver of cost accounting standards rules and regulations.

AUTHORITY: The provisions of this Part 1203 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Use of Negotiation

§ 1203.103 Records and reports of negotiated contracts.

An information copy of each negotiation document involving the production testing of items shall be forwarded at time of issue to HQ DSA, ATTN: DSAH–PR.

Subpart B—Circumstances Permitting Negotiation

§ 1203.202 Public exigency.

§ 1203.202–2 Application.

A procurement of material to effect necessary and emergency repairs to a broken water main would be appropriate under § 3–202 of this title and this subchapter, *provided* that the emergency conditions require immediate replacement of defective materials. This authority could also properly be cited for the emergency procurement of packing material required to effect an emergency air or rail shipment. The fact bearing on the emergency situation must clearly be shown in the determination and findings in sufficient detail to explain clearly the necessity for purchasing without formal advertising. The contracting officer's justification must be supported by the existence of specific emergency circumstances which in themselves relate to the particular purchase being effected. The facts bearing on the situation must clearly support the compelling and unusual urgency and indicate the extent to which the Government would be injured, financially or otherwise.

§ 1203.209 Perishable or nonperishable subsistence supplies.

§ 1203.209–50 Procurement of fresh fruits and vegetables by best value selection.

(a) Fresh fruits and vegetables cannot be described in the usual manner and their specifications are normally inadequate to provide a basis for advertising for bids. It is in the best interest of the Government to procure fresh fruits and vegetables in growing and storage areas and terminal markets after visual inspection by experienced and knowledgeable personnel at the time and place such items are offered.

(b) In the application of (a) above, procurements shall be made on a competitive basis to the maximum extent practicable and the best value, price, quality, and other factors considered, shall be procured.

§ 1203.215 Negotiation after advertising.

§ 1203.215–2 Limitation.

Section 3–215.2 of this title requires two Secretarial determinations and findings (a) for the general or preliminary authority to negotiate after advertising, and (b) with regard to the particular contract being negotiated and the fact that the negotiated price is lower than the lowest rejected bid price of a responsible bidder. (See J–502(e)) of this title. When the contracting officer considers that bid prices received after formal advertising are unreasonable as to all or part of the requirements, or were not independently reached in open competition, he shall, prior to initiating negotiations submit a proposed determination and findings, approximating in format shown in J–502(e) of this title for Secretarial signature in accordance with the procedures in § 3.306 of this title and § 1203.306. Partial awards made at bid prices considered reasonable should be indicated in the request for authority to negotiate. If the contracting officer considers that bid prices on all or part of the requirements were not independently reached in open competition, he shall, in addition to requesting Secretarial authority to negotiate under 10 U.S.C. 2304(a)(15), submit the report thereon required by 1–111 of this title.

Subpart C—Determinations and Findings

§ 1203.302 Determinations and findings by the Secretary of a Department.

All requests for Secretarial authority to negotiate, and their attached determination and findings, shall be submitted to HQ DSA, ATTN: DSAH–PP in triplicate.

§ 1203.303 Determinations and findings below the Secretarial level.

§ 1203.303–50 Determinations and findings for procurement negotiated under 10 U.S.C. 2304(a)(10).

Each determination and finding prepared by contracting officers to justify the use of 10 U.S.C. 2304(a)(10) for noncompetitive procurement due to lack of or inadequacy of technical data shall be supported by a written statement obtained from the requiring agency showing:

(a) The actions being taken (1) to avoid subsequent noncompetitive procurements of the items or services and (2) to obtain the data prescribed in 3–108(d) of this title; or

(b) A complete explanation of the reasons why efforts to obtain competitive procurements would be unavailing, and, therefore, actions that would permit competition are not being taken.

§ 1203.306 Procedure with respect to determinations and findings.

(a) Requests for authority to negotiate individual contracts, or a class of contracts under the authorities of 10 U.S.C. 2304(a)(11) through 10 U.S.C. 2304(a)(16), as implemented by 3–211 through 3–216 and Appendix J of this title, require the approval of the Assistant Secretary of Defense (I&L). Such requests shall (1) contain in the letter of transmittal of the submitting procuring activity, a complete statement of facts and other data necessary to support the applicability of the cited negotiation authority, and (2) include, on a separate plain paper, a determination and findings prepared for the appropriate signature.

(b) Requests for the granting of Secretarial authority to negotiate under 10 U.S.C. 2304(a)(13) or 10 U.S.C. 2304(a)(16) will be signed by the Head of the Procuring Activity or his Deputy.

§ 1203.306–50 Class determinations and findings (CDFs).

(a) CDFs may be utilized when appropriate for negotiating a number of contracts for the same or related items where the use of individual determinations and findings would result in a repetition of the same set of facts or circumstances. CDFs should be submitted for Secretarial signature only when:

(1) Several procurements are to be effected within a reasonable period of time (normally one year or less) and are for items which are so related as to constitute a logical and distinctive category;

(2) The required supplies or services are such that they can be secured only by negotiation, such as—

(i) Items of standardized supplies meeting the criteria set forth in § 3–213 of this title; or

(ii) Research and development programs which have not reached the production state and for which, consequently, adequate drawings, specifications, or other technical data are not available for formal advertising; or

(3) The nature of the required supplies is such that it is not only technical or

specialized but the presence of military urgency or limited numbers of qualified supplies (as related to previous investments by the Government of the supplies, extend periods required for preparation for manufacture, or continued availability of the suppliers in the event of a national emergency) preclude the use of formal advertising during the proposed effective period of the CDF.

(b) Class determinations and findings may not be extended beyond their effective periods as approved by the Secretary. When the authority of such CDF is required for an additional period, a new request therefor, together with a new CDF shall be submitted in accordance with this Regulation. Such new requests shall set forth a summary of the procurement actions completed under the earlier CDF as well as those actions contemplated under the new request.

(c) Heads of Procuring Activities should periodically review the necessity for continued use of a CDF during its effective period to assure that circumstances supporting the granted negotiation authority continue to be present.

Subpart E—Solicitations of Proposals and Quotations

§ 1203.501 Preparation of request for proposals or request for quotations.

(a) Reserved.

(b) Contract Forms and Uniform Contract Format.

SECTION C, Instructions, Conditions and Notices to Offerors/Quoters. (4) The following Products Offered provision is for use in the negotiated procurement of replacement parts and assemblies which are identified only by the manufacturer's name, part number, and a brief description. The purpose is to negate paragraph 2(d) of SF 33A which reads:

"Offers for supplies or services other than those specified will not be considered unless authorized by the solicitation." When the provision is applicable, the following will be inserted after the item description:

Offer based on:
Manufacturer's Name_____Part No._____
The provision will not be included in solicitations covering parts or assemblies which are being negotiated under such authorities as § 3-210.2(i)(xiii), or (XV), 3-213, or 3-202 of this title when it is necessary to restrict the procurement to a particular manufacturer or to certain approved sources (see § 1-313(c)) of this title. The provision, when used, shall be verbatim, except that the acronym CLIN may be substituted for the word "item".

PRODUCTS OFFERED (1970)

(a) Products offered must either be identical or functionally, physically, mechanically, and electrically interchangeable with the products cited in each procurement identification description of this solicitation.

(b) For evaluation purposes offerors must indicate, by marking the appropriate block(s), which of the following situations is applicable to each item which they are offering and furnish whatever supporting information is required below. *"Failure to furnish complete data and information required to support situations (2), (3) and (4) below may preclude consideration of your proposal."*

☐ (1) For items_____will furnish the cited manufacturer's product bearing the number specified.

NOTE.—If more than one manufacturer's number is specified in the schedule, the offeror must insert beneath the applicable item(s) of the schedule the manufacturer's name and number which he is offering.

☐ (2) For items_____will furnish a product manufactured in accordance with the cited manufacturer's drawing or specification, and certified identical to, but bearing a different number.

NOTE.—This block must be completed *only* by offerors manufacturing the item described in the schedule for the company or firm whose name and number is specified. Offerors must insert beneath the applicable item of the schedule the substituted manufacturer's name and part number. In addition, the offeror must furnish a copy of the drawing or specification for the part number as originally cited in the schedule, or other information to establish that the offeror will furnish the same item as described in the schedule, but having a different number.

☐ (3) For items_____will furnish a product determined under prior military contracts, either as a prime or subcontractor to be functionally, physically, mechanically and electrically interchangeable with the product cited in this solicitation though not manufactured in accordance with the cited manufacturer's drawing or specification.

NOTE.—Offerors relying on this paragraph (3) must insert beneath the applicable item of this solicitation the substituted manufacturer's name and part number, and in addition, furnish sufficient data to suitably substantiate the item as acceptable. *As a minimum, the following data must be furnished* (1) copy of Contract or Purchase Order under which furnished, and (2) copy of a drawing to which made.

☐ (4) For items _____ will furnish a product which is equal in all material respects to the product referenced in the item description. The following NOTE is applicable:

NOTE (a)☐ NOTE (b)☐

NOTE. (a) The Government does not have detailed data for the item referenced in the procurement identification description. Therefore, offerors relying on this paragraph (4) must furnish with their offers drawings and other data which will clearly describe the characteristics and features of their product." In addition, offerors must furnish drawings or other data covering design, materials, performance, etc., of the product cited in the schedule sufficient to enable the Government to determine the offeror's product is equal to the product named in the schedule.

NOTE.—(b) Offerors relying on this paragraph (4) must furnish with their offers drawings and other data which will clearly describe the characteristics and features of their product.*

* If offerors desire to restrict the Government's use of data submitted with their proposals for evaluation purposes, the data must bear the legend prescribed by § 3-507.1(a) of this title. In the event an award is made to an offeror submitting such data, the Government will have unlimited rights to use such data, unless the data submitted bears the legend set forth in § 3-507.1(a) of this title.

NOTICE.—Offers relying on this paragraph (4) must insert beneath the applicable item of this solicitation the substituted manufacturer's name and number.

SECTION D, Evaluation Factors for Award (3) discount provisions (see § 1202.407-3).

§ 1203.509 Protests against award.

In any protest to the General Accounting Office of a negotiated procurement where a written Determination and Findings (D&F) is required to support negotiation, a copy of the D&F will be included with the protest report.

§ 1203.550 Distribution of copies.

In addition to the distribution of requests for proposals and requests for quotations in § 1-1002 of this title, one information copy of each such solicitation document for the production testing of items will be forwarded, at time of issue, to HQ DSA, ATTN: DSAH-PR.

Subpart F—Small Purchase and Other Simplified Purchase Procedures

§ 1203.604 Competition and price reasonableness.

§ 1203.604-1 Purchases not in excess of $500.

Action to verify and document the reasonableness of the price of purchases not in excess of $500 need be taken only when the buyer or contracting officer suspects, or has information to indicate that the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved or appearance of the item on the SAMMS Automated Small Purchase System (ASPS) Report F-108. When action is taken to verify reasonableness of price, DD Form 1784, "Small Purchase Pricing Memorandum" shall be used.

§ 1203.604-50 Pricing techniques in the absence of adequate price competition.

(a) The techniques of comparing the items to a similar competitive or catalog item offers the best assurance of fair and reasonable pricing in small purchases. In the majority of cases over $500 involving noncompetitive and non-catalogued items, Quantity, packaging and other determine price reasonableness. It is not necessary to locate an identical item or to compare every feature of the two items. Quantity, packaging and other factors must be considered in arriving at an independent estimate of a reasonable price for the individual procurement. Abstracts of bids maintained by the purchasing office may be useful in this regard. Commercial catalogs and price lists should also be used.

(b) Visual examination of warehouse samples, drawings and/or DD 146 descriptions can be of considerable value in determining that a price is fair and reasonable. Often the actual manufacturer is revealed by this examination. Sources solicited will include any manufacturer(s) revealed by visual examination.

(c) When other methods available to procurement personnel through use of the Decision Logic Chart (See ASPM No. 2) are unproductive, technical assistance by the Directorate of Technical Operations should be obtained for use as a factor in the buyer's pricing determination.

§ 1203.604-51 Minimum billing and service charges.

(a) Procurement personnel should avoid placing orders with vendors who have a "minimum billing" or "service charge" policy wherever possible. In sole source situations, the following alterna-

tives should be explored before placing an order.

(1) Make a concerted effort to consolidate orders with other buys from the same vendor;

(2) With customers' permission, increase the quantity of the buy; or

(3) Use manufacturers' dealer organizations, as they usually do not have a minimum order charge policy.

(b) If the foregoing efforts are to no avail, DSA buying activities when writing orders with vendors having such policies, will identify the unit price and amount for each item ordered and the minimum billing or service charge. Particular care should be exercised to identify these charges where unpriced purchased instruments are employed.

§ 1203.605 Blanket Purchase Agreement (BPA).

§ 1203.605–2 Limitation on use.

The maximum aggregate amount, if any, of all requests to be issued against one BPA shall be prescribed by the HPA.

§ 1203.605–50 Establishment of Blanket Purchase Agreements with Federal Supply Schedule (FSS) contractors.

(a) While BPAs may be established with FSS contractors for both non-FSS items and FSS items, a distinction between such items should be made.

(b) A BPA with an FSS contractor for non-FSS items which can be interpreted to cover FSS items because of a generic item description should contain a statement to the effect that the BPA excludes all items on FSSs.

(c) If it is desired to establish a BPA with an FSS contractor for items on an FSS, the agreement shall be consistent with the provisions of the applicable FSS, i.e., period of agreement, terms, and conditions. The agreement should be limited to a simplification of purchasing techniques such as placing of orders orally and obtaining monthly consolidated billings.

§ 1203.605–51 Quantity break provision for inclusion in small purchases.

(a) As used herein "quantity break" is a reduction in unit price for a specified larger quantity.

(b) To obtain the lowest possible prices in small purchases, it is necessary that the Government take advantage of quantity breaks wherever practicable.

(c) For the purpose of establishing that a quantity break does or does not exist, a provision substantially as follows should be included in small purchase solicitations, except (1) where the contracting officer decides that it is impractical and would serve no useful purpose, or (2) where the procurement will be effected by automation:

Quantity Break

The quoted price is effective for quantities from ____ to _____. Price for next higher quantity break would be _____.

(d) Should it appear that it is in the best interest of the Government to procure a larger quantity, so as to take advantage of a lower unit price, the item manager should immediately be provided the details and an amendment to the purchase directive requested. If the item manager indicates that the quantity cannot be increased, then the contracting officer should document the contract file accordingly and proceed with purchase of the originally specified quantity.

§ 1203.606–50 Fast payment procedure.

All DSA purchasing activities awarding procurement authorizing "FAST PAY" shall specify inspection and acceptance at destination. If either inspection or acceptance at origin is required or authorized the use of "FAST PAY" is NOT authorized.

Subpart H—Price Negotiation Policies and Techniques

§ 1203.801 Basic policy.

§ 1203.801–2 Responsibility of contracting officers.

(a)–(b) Reserved.

(c) Prior to referral to HQ DSA, the Commander, or in his absence, the Deputy or Acting Commander, shall personally negotiate with the contractor involved and attempt to delete those elements of the contractor's offer that render his price or profit unreasonable. This procedure shall also be followed in all instances where award is recommended on the basis of "best price obtainable."

§ 1203.805 Written and oral discussions.

§ 1203.805–1 General.

(a) A prenegotiation briefing shall be conducted for all negotiated procurements over $10,000 so that each will have had a prenegotiation objective review. The briefing level and content for negotiated procurements between $10,000 and $100,000 shall be set by the Director, Procurement and Production. For all negotiated procurements estimated to amount to $100,000 or more, the briefing shall be for the Director/Deputy Director, Procurement and Production. As a minimum, the briefing for negotiated procurements estimated to amount to $100,000 or more shall cover:

(1) The procurement situation.

(2) Previous price history.

(3) Analytical methods utilized in establishing the price objective.

(4) For procurements requiring the submission of cost or pricing data, the major differences between the proposed negotiation objective and the contractor's proposed price, DCAS input and audit recommendation and the proposed negotiation objective with supporting rationale.

(5) For all other procurements, the major differences between the contractor's proposed price and the proposed negotiation objective, together with rationale supporting the negotiation objective.

(6) Negotiation plan, whether phone or face to face.

(7) Anticipated negotiation problems and proposed solutions.

(b) A memorandum summarizing the principal elements of the briefing, attendees and results shall be prepared for incorporation into the contract file.

§ 1203.807–3 Cost or pricing data.

(a)(1) If an option is priced at the time of award it is subject to the requirements of PL 87–653 at that time and the price of the option must be considered in determining whether the proposed contract is expected to exceed $100,000 in amount.

(b)(i) Reserved.

(j)(5) Distribution of each exemption authorized shall be effected by HQ DSA. Six copies of each exemption shall be provided HQ DSA, ATTN: DSAH-PPP.

§ 1203.807–6 Refusal to provide cost or pricing data.

Prior to referral to HQ DSA, the Commander, or in his absence, the Acting Commander, shall personally negotiate with the contractor involved and attempt to obtain the necessary cost or pricing data.

§ 1203.811 Record of price negotiation.

The Price Negotiation Memorandum (PNM) must be written so as to permit reconstruction of all of the major considerations of the particular procurement. While excessive detail should be avoided, it is this PNM, standing alone, which must convince any and all reviewers of the procurement that the price is fair and reasonable and arrived at properly. Although the content will vary depending on the magnitude of the contract, the contract type, the cost of pricing data obtained, the extent of negotiations, etc., the format should be standard. The PNM should have the following subdivisions: Subject: "Introductory Summary, Particulars, Procurement Situation, Negotiation Summary, and Miscellaneous." The detailed content of each of these subdivisions is spelled out in ASPM No. 1, pages 14–9 through 14–14.

Subpart L—Cost Accounting Standards

§ 1203.1203 Prime Contractor Disclosure Statement(s).

(a)–(d) Reserved.

(e) *Determination of Secretary that it is Impractical to Secure Disclosure Statement(s).* Prior to referral to HQ DSA, of a proposed waiver of the requirement for a Disclosure Statement(s), the Commander, or in his absence, the Deputy or Acting Commander, shall personally negotiate with the proposed contractor and attempt to obtain the required statement(s).

§ 1203.1210 Cost Accounting Standards Board Report.

Comments requested in ASPR 3–1210 (c) for each full calendar year shall be provided to HQ DSA, ATTN: DSAH–PP within 40 days following the end of each calendar year. RCS DD–I&L(A)1222 applies.

§ 1203.1211 Waiver of cost accounting standards, rules and regulations.

(a) Prior to referral of a waiver request to HQ DSA, the Commander, or in his absence, the Acting Commander, shall personally negotiate with the contractor involved and attempt to obtain acceptance of the Cost Accounting Standards, Rules and Regulations. The request for waiver should be forwarded by covering letter of the Commander or his Deputy with a statement concerning the above negotiation and recommendations to HQ DSA (ATTN: DSAH-PP).

(b) The Cost Accounting Standards Regulation 4 C.F.R. 331.30, subparagraph (c) (1) and (c) (2) (ASPR Appendix 0) contains a listing of specific information to be furnished when requesting waivers. Waiver requests should reference these requirements and list, in order, the specific responses to each. The waiver request must cite the date by which a Board decision is needed and the reasons therefore.

(c) The request for waiver should be on plain paper. Five complete sets of the request and its supporting documentation should be furnished.

PART 1204—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart C—Contracts With Requirements for Provisioned Items

Sec.
1204.302 Procurement requirements.
1204.302–50 Waiver of provisioning technical requirements.
1204.302–51 Contracting officer's representative-provisioning.

Subpart H—Paid Advertisements

1204.802 Authority and delegation to place advertisements.
1204.802–2 Requests for authority to place advertisements.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart C—Contracts With Requirements for Provisioned Items

§ 1204.302 Procurement Requirements.

§ 1204.302–50 Waiver of Provisioning Technical Requirements.

The following clause is for use in the acquisition of provisioning technical documentation. The clause should be used in conjunction with the provisioning clause cited in DSAR 4100.2, paragraph II B:

WAIVER/REDUCTION OF PROVISIONING TECHNICAL DOCUMENTATION REQUIREMENTS (DSA 1972 AUG)

Award of Provisioning Technical Documentation (PTD) will be made only to the offeror who received an award for the applicable end item(s) of equipment. The Government reserves the right not to award or to reduce PTD requirements for line items in the solicitation if such documentation has been previously furnished by the offeror and accepted by the Government and the Contracting Officer determines that such PTD or changes thereto are acceptable for the immediate requirement.

In addition to pricing PTD requirements, offerors are requested to provide below information as to prior submissions to the Department of Defense of PTD believed to be appropriate, with or without changes, for this solicitation:

Statement of prior submission—Prior Government acceptance of provisioning technical documentation

Date previously submitted	Contract No.	Contract Item No.

Equipment nomenclature	Name/address of accepting activity	Provisioning specification

Changes to previously submitted PTD (Type III Provisioning in accordance with DSAM 4100.1) are those items added, deleted or modified in the end item which must be recorded in the previous provisioning lists to update the lists to the configuration of the end item being procured as covered by paragraph 10.6.1 of DSAM 4100.1. The offeror hereby certifies that previously submitted (PTD) ( ) does ( ) does not require changes. (Check one).

If the PTD previously furnished requires changes, indicate below a list of the changes required with a price for furnishing the changes (See example. Note 1 at end of clause).

PTD element	Number of line item changes	Price for type III provisioning per PTD element
Total number of line item changes		
Total price for type III provisioning		

If the Government determines that Type III Provisioning will fulfill its needs, eligible offers will be evaluated as to price based on Type III Provisioning and, if low, award will be made for Type III Provisioning with a DD Form 1537–2 attached to the award.

PTD changes shall be furnished by the contractor within 30 days after award as prescribed by DSAM 4100.1, paragraph 4.10.2.

PTD as specified in the DD Form 1423 (Contract Data Requirements List) and DD Form 1537 (Statement of Provisioning Policy) will be required unless award is made specifically for Type III Provisioning.

NOTE 1.—For example, if previous submission of PTD was Type I in accordance with DSAM 4100.1 and several changes are needed to update the various PTD elements for the present equipment configuration, these would be recorded as follows:

PTD element	Number of line item changes	Price for type III provisioning per PTD element
Provisioning list	10	$xx.xx
Long lead time item list	2	xx.xx
Vendor recoverable items list	1	xx.xx
Screening	(1)	xx.xx
Supplementary provisioning technical documentation	(2)	xx.xx
Total number of line item changes		
Total price for type III provisioning		

1 50 part numbers to be screened.
2 13 drawings, sketches, descriptions, etc.

§ 1204.302–51 Contracting Officer's Representative-Provisioning.

The Chief Provisioning Coordination Office, Directorate of Technical Operations, DSC and additional personnel within this office shall be designated as Contracting Officer's Representative for Provisioning for the purpose of providing technical assistance to offerors/contractors with regard to requirements for equipment support and provisioning for DSC procured end items/components. Delegation of responsibility shall include authority for actions to be taken by the Provisioning Coordination Office as set forth in DSAR 4100.8, "Surveillance of the Contractual Aspects of the Provisioning Cycle in the Defense Supply Centers." For example, the COR for Provisioning is responsible for reviewing PR/MIPR provisioning requirements to insure compliance with provisioning policy and procedures and proper presentation of provisioning requirements in solicitations and contracts, conducting Pre-Provisioning Guidance and Source Coding Conferences when required by the contract, negotiating reductions in provisioning technical documentation requirements including recommendations for equitable adjustments in the contract price or delivery terms based on technical provisioning considerations, surveillance necessary to assure receipt of provisioning technical documentation, and notifying the contractor of required corrections (rejection) or acceptance of provisioning technical documentation. The delegation will not include any authority to modify or change the terms of the contract or to make any agreement which will result in an increase in the contract amount or extend the time for delivery of the end items.

Subpart H—Paid Advertisements

§ 1204.802 Authority and Delegation to Place Advertisements.

§ 1204.802–2 Requests for Authority to Place Advertisement.

(a) Revised.

(b) Requests for authority to place advertisements in newspapers publicizing procurement information shall be submitted, in quadruplicate, through channels, to HQ DSA, ATTN: DSAH-PP, for appropriate action.

PART 1205—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

Subpart A—Procurement Under General Supply Schedule Contracts

Sec.
1205.101 Federal Supply Schedule Contracts.
1205.101–50 Use of Federal Supply Schedules.

Subpart D—Procurement of Prison-Made Supplies

1205.406 Procurement procedure.
1205.406–50 Pricing policies for awards to Federal Prison Industries, Inc.

Subpart F—Procurement of Printing and Related Supplies

1205.601 Printing and related supplies.

Subpart G—Procurement Under the Economy Act

1205.750 Procurement of items from Commodity Stabilization Service (CSS), Department of Agriculture.

Subpart K—Coordinated Procurement

1205.1106 Purchase authorization.
1205.1106–2 Use of advance MIPRs.

Subpart L—Commodity Assignments

1205.1201 Assignment authority.
1205.1201–2 Exclusions—DSA and GSA assignments.
1205.1201–50 Items in the DSA (Civil Agency Catalog.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Procurement Under General Supply Schedule Contracts

§ 1205.101 Federal Supply Schedule Contracts.

§ 1205.101–50 Use of Federal Supply Schedules.

Items procured by DOD activities from Federal Supply Schedules containing the following contractual provision under the provisions of ASPR. Section V, Part I, should, where applicable, cite the priority rating on each delivery order placed under the Federal Supply Schedules.

Priorities, Allocations and Controlled Material:

If any order placed against this contract is rated and certified for National Defense, the contractor is required to follow the provisions of DPS Regulation 1 (formerly BDSA Regulation 2) and/or DMS Regulation 1 in obtaining materials needed to fulfill the requirement of this contract.

Subpart D—Procurement of Prison-Made Supplies

§ 1205.406 Procurement Procedure.

§ 1205.406–50 Pricing Policies for Awards to Federal Prison Industries, Inc. (FPI).

(a) (1) Prices in awards to FPI for the partial or entire quantity of a procurement shall not exceed current market prices.

(2) On procurements involving multiple awards to both commercial contractors and to FPI of a mandatory item, the current market price will be a price considered by the contracting officer to reflect current market levels but in no event a unit price higher than the highest award price made on the unrestricted portion adjusted for the applicable cost factors designated herein, unless it is determined that the price was the result of a distressed bid, bidder's mistake, or inflated because of Department of Defense requirements. In awards involving multiple destination, each destination, for purposes of determining the price to be paid FPI, shall be considered a separate award. The term "unrestricted" as used in this Part refers to the portion of the procurement not procured from Federal Prison Industries whether or not a small business or labor surplus area set-aside has been made thereon.

(3) When a procurement action involves allotment to FPI of the entire quantity of the required item and current market quotations are not available, prior procurement prices (adjusted to reflect changes in market prices of components since the last procurement and differences in any other cost factors, e.g., labor, operating supplies, employee fringe benefits) shall be used as the basis for determining the current market price.

(4) A quotation from FPI at or less than the determined current market price shall be accepted.

(5) Awards to FPI shall be on an f.o.b. origin basis unless otherwise specified.

(6) Prices for FPI contracts shall be rounded off to the nearest mill.

(b) The cost of transportation of Government-furnished property to both FPI and to commercial contractors shall be excluded. Differences in Government transportation costs of end items to the same destination point under FPI award and under awards to commercial contractors shall be included. Also, variation in the cost of Government-furnished property, based on stated percentages of usage of Government-furnished property allowances shall be included.

(c) Firm delivery orders shall be given to FPI promptly upon determination of the quantity to be awarded FPI. The following procedures are to be utilized in determining prices to be included on these delivery orders:

(1) When a concurrent commercial procurement is being made, the price quoted by FPI shall be cited on the delivery and the statement set forth below shall be included on the order. In the event the current market price determined by the contracting officer under the "unrestricted" procurement is lower than the quoted FPI price, adjustment shall be made to the lower price; provided, however, that in the time elapsed between the delivery order to FPI and the opening date on the "unrestricted" portion, there has been no significant change in market conditions. Should there have been a significant change in market price. Should that price be lower price for FPI order will be determined under the provisions of (a) (3) above.

(2) When the circumstances described in (a) (3) above exist, immediate action shall be taken to determine the current market price. Should that price be lower than the quoted price, prompt contact shall be made by the most expeditious means with the FPI and the circumstances and factors used in the determination explained. Should an agreement not be reached as to the current market price within five consecutive days from the date of contact, the order shall be promptly issued on the basis of the current market price determined by the contracting officer, and the statement provided below shall be included on the delivery order.

(3) After issuance of a delivery order containing the statement set forth below, every effort will be made by the purchasing office to reach an agreement as to the current market price applicable to the order. Agreements reached shall be confirmed by a revision to the delivery order stating the price applicable to the order and deleting the below statement.

(4) Efforts to obtain agreement, to include exchange of data on which the current market price was based, may continue up to the time of inspection and acceptance of the first delivery for payment. If agreement should not be reached by that time, the case shall be submitted to HQ DSA, ATTN: DSAH–P as unresolvable and shall contain a detailed explanation of the factors determining the current market price which was not acceptable to the FPI.

The statement to be included on the delivery order to FPI pending determination of current market price is as follows:

The price in this contract is subject to later adjustment between the Commissioner of the Federal Prison Industries, Inc., and the Executive Director, Procurement and Production, HQ DSA, and the arbitration provisions of Section 4124 of Title 18, United States Code, shall not be invoked except in the case of a disagreement on the part of the Commissioner of the Federal Prison Industries, Inc., and the Executive Director, Procurement and Production, HQ DSA (1962 JUL).

Subpart F—Procurement of Printing and Related Supplies

§ 1205.601 Printing and Related Supplies.

Policy and procedures for the procurement or production of printing are contained in DSAR 5330.1—Procurement or Production of Printing, Duplicating, Micropublishing and Office Copying.

Subpart G—Procurement Under the Economy Act

§ 1205.750 Procurement of Items From Commodity Stabilization Service (CSS), Department of Agriculture.

(a) The CSS shall be contacted concerning the supply of at least carlot requirements of items listed in the Commodity Credit Corporation (CCC) monthly inventories in order to obtain an f.o.b. destination offer from CCC.

Office, Deputy Administrator, Price Support
Commodity Stabilization Service
Room 350W—Administration Building
Department of Agriculture
Washington, D.C. 20025

(b) Requests for offers shall state:

(1) commodity and quantity desired;
(2) applicable specification;
(3) packaging and packing requirements;
(4) required delivery dates;
(5) grade and crop year; and
(6) destination.

In all communications with CSS/CCC relative to proposed procurements, advice shall be furnished that the procurement information is not to be disclosed to unauthorized sources.

(c) If the Department of Agriculture advises that no quotation will be submitted or that they are unable to meet specifications requirements, the procurement will be placed with commercial sources in the usual manner.

(d) If a quotation is received from the Department of Agriculture, and the commodity meets the specifications and requirements, a comparative price analysis shall be made to determine whether the price quoted exceeds current market prices from commercial sources. The comparative analysis shall take into consideration applicable adjustments for crop or pack year, packing, shipping, and handling charges.

(e) If the analysis indicates that the price quoted exceeds current market price, CCC shall be advised with a view to obtaining a price not in excess of current market price.

(f) If the CCC price is equal to or lower than the current market price, the order shall be placed with CCC.

(g) If it is determined that procurement will be made commercially because of price or specification consideration, the CCC shall be so advised.

(h) If it is determined that offers from commercial sources will result in a higher cost than acceptance of the CCC offer, negotiations shall be reopened with CCC.

(i) Inspection of items procured from CSS shall be made in conformance with established inspection procedures.

(j) The following shall apply to all procurements of bagged commodities from CSS:

An official weighmaster's certificate based on origin weights shall accompany each shipment and a copy shall be attached to the CCC invoice. CCC invoice shall be for the number of pounds shown on the official weighmaster's certificate. Quantity receipted for by receiving officer at destination shall be the same quantity less damage in transit, except where a different quantity is actually received. In either event receiving officer will prepare SF 361 or SF 363 as applicable, and attach to receiving report submitted to paying office. Over or short shipment adjustment to be requested in instances where number of bags unloaded differs from number shown on documents accompanying shipment in which case receiving officer shall accompany report with bag tally, or with an official weighmaster's certificate in instances where origin and destination bag counts are identical but quantity receipted for is different from quantity shipped. Paying office upon receipt will forward Over, Shortage and Damaged Report (OS&D), accompanied with bag tally or weighmaster's certificate, if applicable to CCC office and request invoice adjustment.

Subpart K—Coordinated Procurement

§ 1205.1106 Purchase Authorization.

§ 1205.1106–2 Use of Advance MIPRs.

(a)–(e) Reserved.

(f) Under the provisions of § 5–1106.2 of this title the following actions may be taken by a DSC upon receipt of an Advance MIPR (or similar type purchase request) provided the purchase request contains a statement reading essentially as follows: "A firm requirement exists for the item(s) contained in this MIPR; purchase of the items will be supported by the commitment of funds which are expected to be made available (within the next _____ days)/(prior to the end of this fiscal year)." Any other written advice from the Requiring Activity that the requirement is firm and that there is a reasonable expectation that funds will be made available for obligation purposes against the specific advance MIPR, may be accepted in lieu of a statement embodied in the MPIR. This advice will be used as the basis to proceed with the purchase action up to and including receipt of responses to an IFB or RFP.

(1) IFBs or RFPs issued on the basis of unfunded Advance MIPRs shall clearly state that no awards will be made until such time as funds become available for obligation purposes. (See § 1.318 of this title and § 1201.318). The solicitation will also state that the offers shall not be opened until such time as funds have been made available for obligation purposes.

(2) In instances such as those authorized herein, the requiring activity will be notified of the scheduled opening date of the IFB (or closing date of the RFP) and that if funds are not made available by those dates that the solicitation may be cancelled. The scheduled opening or closing date may be extended at the discretion of the procuring activity.

(3) If a requiring activity indicates that funds will not be forthcoming, the solicitation will be cancelled. All offerors will be notified immediately of such cancellation and their unopened offers will be returned to them.

Subpart L—Commodity Assignments

§ 1205.1201 Assignment Authority.

§ 1205.1201–2 Exclusions—DSA and GSA Assignments.

(a)–(b) Reserved.

(c) *Exclusions to Defense Supply Agency or General Services Administration Assignments by Agreement.* All proposed agreements in accordance with paragraph VII A5 of DoD Instruction 4115.1, DoD Coordinated Procurement Program—Purchase Assignments, 1 September 1972, to permit a Military Service to procure Military Service managed items for which the estimated obligation of a one-time authorization will exceed $100,000.00 or when the annual obligations are expected to exceed $100,000.00 for a continuing authorization shall be submitted for review and approval by HQ DSA, ATTN: DSAH-PP prior to consummation of the agreement. Continuing authorizations will not be granted for periods exceeding twelve months notwithstanding the amount of estimated annual obligations. Requests will be submitted in triplicate (letter form) in sufficient detail to support the proposed agreement and will be signed at a level no lower than the Director, Procurement & Production or his Deputy.

§ 1205.1201–50 Items in the DSA Civil Agency Catalog.

After stock of a nonstandard item is exhausted and where DoD standardization action provides for a replacement item, the civilian agencies will be encouraged to use the replacement item by the applicable DSA Center. When the replacement item is not acceptable to a civil agency as evidenced by the requisition advice code, or when there is no replacement item, procurement of the DoD nonstandard item is authorized to meet the civil agency requirement.

PART 1206—FOREIGN PURCHASES

Subpart A—Buy American Act—Supply and Service Contracts

Sec.

1206.103 Exceptions.
1206.103–2 Nonavailability in the United States.
1206.103–5 Canadian supplies.
1206.103–50 Shipping instructions to Canadian vendors.
1206.104 Procedures.
1206.104–50 Procedure for submission to Executive Director, Procurement and Production, DSA.
1206.104–51 Contract clause.

Subpart C—Appropriation Act Restrictions

1206.304 Procedures.
1206.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or coated synthetic fabric, or items containing mohair or cotton or specialty metals.

Subpart D—Purchases From Rhodesia and Certain Communist Areas

1206.403 Exceptions.

Subpart F—Duty and Customs

1206.603 Emergency purchases of war materials abroad.
1206.603–4 Customs entries and duty-free certificates.
1206.603–5 Immediate release permits.
1206.604 Supplies for vessels or aircraft operated by the United States.

Subpart G—Military Assistance Program Procurements

Sec.

1206.705 Procurements for Foreign Military Sales (FMS).
1206.705–50 Furnishing price, availability, and source data for foreign countries.
1206.750 Military Assistance Program (MAP) procurements.
1206.750–50 Use of domestic sources for MAP procurements.
1206.750–51 Exceptions.

Subpart H—Balance of Payments Program

1206.805 Supply and service contracts.
1206.805–2 Procurement limitations.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Buy American Act—Supply and Service Contracts

§ 1206.103 Exceptions.

§ 1206.103–2 Nonavailability in the United States.

(a) The required determination shall be prepared in substantially the following form:

DETERMINATION

Date _____

Pursuant to the authority contained in Section 2, Title III of the Act of 3 March 1933, commonly called the Buy American Act (41 U.S. Code 10a–d), and authority delegated to me by paragraph 6–103.2 of the Armed Services Procurement Regulation, I hereby find:

a. (*Description of the item or items to be procured, including unit, quality, and esti-*

mated cost inclusive of duty and transportation costs to destination).

b. *(Brief statement of the necessity for the procurement).*

c. *(Statement of facts establishing the nonavailability of a similar item or items of domestic origin).*

Based upon the above showing of fact, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, the requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above described procurement, since said procurement is within the nonavailability exception stated in the Act. Authority is granted to procure the above item(s) of foreign origin *(Country of origin)* at an estimated cost of $_____ including duty and transportation costs to destination.

_____

Signature

(b) A copy of the validation of the procurement requirement in accordance with DSAM 4140.3 shall be made a part of the contract file.

(c) Where approval of the determination of nonavailability is required at a level above the HPA, a copy of the validation of the procurement requirement shall be included with the request for approval.

(d) When the restrictions of the Buy American Act are determined to be inapplicable to the end products, the contractor shall be notified of that determination by such means as an appropriate notation in the body of the contract.

(e) For purposes of determining the approval level necessary in § 6–103.2(b) of this title, option totals shall not be added to basic award amounts. Prior to exercising the option, however, a new determination of nonavailability (for the option total only) shall be made.

§ 1206.103–5 Canadian supplies.

The Director, DSA, has determined that the following supplies are of a military character or are involved in programs of mutual interest to the United States and Canada. Notwithstanding the listing of a Federal Supply Class below, all provisions and restrictions of the Annual DOD Appropriation Act (§ 6–300 of this title) are applicable.

FSC group	Descriptions	FSC classes
22	Railway equipment	2230.
24	Tractors	2410, 2420.
25	Vehicular equipment components	2510, 2520, 2530, 2540, 2590.
28	Engines, turbines, and components	2805, 2815, 2895.
29	Engine accessories	2910, 2920, 2930, 2940, 2990.
30	Mechanical power transmission equipment	3010, 3020, 3030, 3040.
31	Bearings	3110, 3120, 3130.
34	Metalworking machinery	All classes.
35	Service and trade equipment	3520.
36	Special industry machinery	All classes.
38	Construction, mining, excavating, highway maintenance equipment.	3805, 3810, 3815, 3820, 3825, 3830, 3835, 3895.
39	Materials handling equipment	All classes.
40	Rope, cable, chain, and fittings	4010, 4020, 4030.
41	Refrigeration and air conditioning and air circulatory equipment	4110, 4120, 4130, 4140.
42	Firefighting, rescue, and safety equipment	4210, 4220, 4240.
43	Pumps and compressors	4310, 4320, 4330.
45	Plumbing, heating, and sanitation equipment	4510, 4520, 4530, 4540.
46	Water purification and sewage treatment equipment	4610, 4620, 4630.
47	Pipe, tubing, hose, and fittings	4710, 4720, 4730.
48	Valves	4810, 4820.
49	Maintenance and repair shop equipment	4930.
52	Measuring tools	5280.
53	Hardware and abrasives	All classes except 5345 and 5350.
54	Prefabricated structures and scaffolding	5410, 5420, 5430, 5440, 5445, 5450.
55	Lumber, millwork, plywood, and veneer	5510, 5520, 5530.
56	Construction and building materials	All classes except 5630, 5640, and 5650.
58	Communication, detection, and coherent radiation equipment	All classes.
59	Electrical and electronic equipment	Do.
61	Electric wire and power distribution equipment	6105, 6110, 6115, 6125, 6130, 6120, 6145, 6140, 6150.
62	Lighting fixtures and lamps	6210, 6220, 6230, 6240, 6250, 6260.
63	Alarm and signal systems	6350.
65	Medical, dental, and Veterinary equipment and supplies	6520.
66	Instruments and laboratory equipment	6630, 6640, 6635, 6655, 6670, 6645, 6660, 6675, 6680, 6685, 6695.
67	Photographic equipment	All classes.
68	Chemicals and chemical products	6810, 6820, 6830, 6840, 6850.
70	General purpose automatic data processing equipment, software, supplies, and support equipment.	All classes.
72	Household and commercial furnishings and appliance	7240 (cans, water, military only).
75	Stationery and record forms	7530.
76	Books, maps, and other publications	7610.
81	Containers, packaging, and packing supplies	8105, 8110, 8120, 8115, 8125.
83	Textiles, leather, furs, apparel and shoe findings, tents and flags	8340 (to the extent restrictions of DOD Appropriation Act are not applicable).
84	Clothing and individual equipment, and insignia	8465 (snowshoes, trail, metal; canteen, water, plastic only; (cup, water, canteen, steel); frame, field pack, without straps; and shelf cargo support); 8470; 8415 (steel helmets).
93	Nonmetallic fabricated materials	9320, 9330, 9350, 9340, 9390, 9310 (MAP paper only).
95	Metal bars, sheets, and shapes	All classes.
96	Ores, minerals, and their primary products	9620.

NOTE.—Parts for the above-listed supplies are considered to be included in the list, even though not separately listed, when they are produced under a contract that also calls for listed supplies.

§ 1206.103–50 Shipping instructions to Canadian vendors.

Shipping instructions provided Canadian vendors furnishing DoD supplies shall designate a CONUS destination or Canadian port marked for a CONUS destination. No Canadian vendor is to be requested to make shipments of DoD supplies addressed to an overseas destination. On urgent requirements for shipment to overseas destinations, the shipping instructions shall be forwarded to the Defense Contract Administration Office, 6th Floor, Canadian Building, 219 Laurier Avenue, West, Ottawa, Ontario, Canada (K1A055), who will make necessary arrangements.

§ 1206.104 Procedures.

§ 1206.104–50 Procedure for submission to Executive Director, Procurement and Production, HQ DSA.

Proposed Awards not within the approval authority of the Head of the Procuring Activity shall be submitted to HQ DSA, ATTN: DSAH–PP, for approval with a recommendation supported by relevant facts, including the amount of applicable duty as verified by the U.S. Customs Service, and the information required to be furnished by § 1201.452–3. The requirement shall be carefully screened against Department of Defense excess and surplus materials before submission. The results of this screening shall be reported in the statement of facts. Appropriate provision shall be made for extending the date of acceptance of bids, offers, or proposals to permit sufficient time for orderly transmission and consideration.

§ 1206.104–51 Contract clause.

The following clause may be used in formally advertised or negotiated procurements when it is anticipated that offers on items of foreign origin will be received.

Evaluation of Offers on Items of Foreign Origin (DSA 1970 Dec)

a. Offerors offering other than domestic source end products, as defined in ASPR 7–104.3 Buy American Act, must include in the price offered all applicable import duty and, for evaluation purposes, furnish the following for each item:

Item No.

_____

_____

Amount of Duty per Unit

_____

_____

b. If this solicitation is formally advertised (an IFB), failure of an offeror to furnish the data required above will result in the rejection of his offer when such failure results in the Government's inability to evaluate the offer.

c. The Government reserves the right to award on a duty-free basis by reducing the unit price offered by the amount of the duty. If award on a duty free basis is made, the clause set forth in ASPR 7–104.31(a) Duty-Free Entry for Certain Specified Items, is incorporated herein by reference and made a part thereof.

Subpart C—Appropriation Act Restrictions

§ 1206.304 Procedures.

§ 1206.304–1 Procurement of food, clothing, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric, or coated synthetic fabric, or items containing mohair or cotton or specialty metals.

Where prices for domestic supplies are considered unreasonable within the purview of § 6–304.1 of this title. The contracting officer shall forward a request for determination, through channels, to HQ DSA, ATTN: DSAH–PP. Each such request, in addition to complete information on all factors pertinent to the requested action, shall contain a proposed determination. The format of the determination in § 120 6–103.2(a) of this title may be used as a guide.

Subpart D—Purchases From Rhodesia and Certain Communist Areas

§ 1206.403 Exceptions.

(a) Determinations may be made by contracting officers under § 6–403(a) of this title for purchases not exceeding $2,500; and such determination shall be reduced to writing and made a part of the appropriate contract file.

(b) Requests for the approval required by § 6–402(a) of this title for purchases exceeding $2,500, shall be forwarded to HQ DSA, ATTN: ASAH–PP, and shall contain full justification, with all pertinent details, for effecting the proposed procurement from a source within a communist-controlled area.

Subpart F—Duty and Customs

§ 1206.603 Emergency purchases of war materials abroad.

§ 1206.603–4 Customs entries and duty-free certificates.

The HPA is hereby delegated, with the power to redelegate, the authority to execute duty-free entry certificate in the form set forth in § 6–603.4 of this title for emergency purchases of war materials, as defined in § 6–603.1 of this title.

§ 1206.603–5 Immediate Release Permits.

The HPA is hereby delegated, with the power to redelegate, the authority to issue "Immediate Release Permits" as prescribed in § 6–603.5 of this title.

§ 1206.604 Supplies for vessels or aircraft operated by the United States.

Authority is delegated to the Commander, Defense Fuel Supply Center, with the power of redelegation to execute duty-free entry certificates in the form set forth in § 6–604(b) of this title for the classification of supplies in § 6–604 (a), of this title.

Subpart G—Military Assistance Program Procurements

§ 1206.705 Procurements for Foreign Military Sales (FMS).

§ 1206.705–50 Furnishing price, availability, and source data for foreign countries.

The Directorate of Procurement and Production in each Center will furnish whatever assistance it can reasonably give in identifying known or potential U.S. commercial suppliers for particular items being sought by foreign government authorities when the inquiry is received from a Military Service International Logistics Control Office. In addition, such assistance shall be given directly to government authorities of Latin American countries.

§ 1206.750 Military Assistance Program (MAP) Procurements.

§ 1206.750–50 Use of domestic sources for MAP procurements.

MAP requirements will be procured in accordance with Part 6, Subpart G of this title and DOD Directive 2125.1, Military Assistance Program Offshore Procurement (MAP.OSP), dated 18 June 1970. DOD Directive 2125.1 sets forth policies and procedures for procurement of Defense articles and Defense services from suppliers delivering from sources located outside the U.S., its possessions and Puerto Rico for the Military Assistance Program. The DOD Directive requires that MAP procurements be restricted to domestic sources unless, for purchases of $10,000 or less, such action is clearly undesirable, or for MAP purchase in excess of $10,000, the cost of domestic source end products, or services of domestic concerns located in the United States, is estimated to be more than 50% in excess of the cost from foreign sources. Prior to the solicitation of MAP requirements, procuring contracting officers shall consider the criteria of Section IV, paragraph B.4, of DOD Directive 2125.1. In all cases where the preliminary judgment is that the procurements should not be restricted to domestic end sources, the proposed procurements shall be referred to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP.

§ 1206.750–51 Exceptions.

(a) In any case where a procurement has been restricted to domestic source end products and a foreign offer is, nonetheless, received which meets the criteria in Section IV, paragraph B.4. of DOD Directive 2125.1, the procurement will be referred to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP.

(b) Notwithstanding the above, DPSC is referred to the restriction in Section 606(c) of the Foreign Assistance Act of 1961, as amended, against the procurement of patented drugs from foreign sources when MAP funds are used.

Subpart H—Balance of Payments Program

§ 1206.805 Supply and service contracts.

§ 1206.805–2 Procurement limitations.

(a) Reserved.

(b) For procurements estimated not to exceed $100,000, the authority in § 6–805.2(b)(1) of this title is redelegated to HPAs within DSA. This authority may be delegated to the principal staff officer responsible for procurement within the Procuring Activity. DGSC is authorized to redelegate this authority to purchase foreign books and publications not to exceed $10,000 to the contracting officer concerned.

(e) The documentation referred to in § 6–805.2(e) of this title shall be prepared in the form of a Determination and Findings and shall be forwarded to the Executive Director, Procurement and Production, HQ DSA, ATTN: DSAH–PP. The Determination and Findings shall include a statement of facts establishing nonavailability and an indication of the consideration given to foregoing the requirement or providing a domestic made substitute. The following specific information shall be furnished in the letter transmitting the Determination and Findings:

(1) stock number;
(2) item nomenclature;
(3) description (to include pertinent specification citations);
(4) backorder situation;
(5) average monthly demand;
(6) due-in quantities by date;
(7) average price paid during the previous year.
(8) latest procured quantity and price;
(9) quantity and delivery schedule recommended for offshore procurement (OSP);
(10) fund availability;
(11) offshore source, if known; and
(12) any other pertinent data for justifying the proposed procurement.

PART 1207—CONTRACT CLAUSES

Subpart A—For Fixed-Price Supply Contracts

Sec.

1207.103 Required clauses.
1207.103–8 Assignment of claims.
1207.103–12 Disputes.

Subpart H—Letter Contracts

1207.850 Letter contract for DSA Industrial Readiness Planning Program.
1207.850–1 Format.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Clauses for Fixed-Price Supply Contracts

§ 1207.103 Required clauses.

§ 1207.103–8 Assignment of claims.

In cases where special circumstances make it advisable in the best interest of the Government, HPAs may authorize deletion of the last sentence of paragraph (a) of the Assignment of Claims clause set forth in § 7–103.8 of this title.

§ 1207.103–12 Disputes.

The Disputes clauses contained in § 7–103.12 of this title shall not be modified to provide for an intermediate appeal board.

Subpart H—Letter Contracts

§ 1207.850 Letter contract for DSA industrial preparedness planning program.

§ 1207.850–1 Format.

Contract No. ----------

Gentlemen:

This Letter Contract, upon acceptance by your firm, will constitute a contract on the terms and conditions stated herein and signifies the intention of the Defense Supply

Agency to enter into a firm fixed price contract with you for the deliveries of the supplies and performance of the services listed on DD Form 1519 which was executed on _____ in furtherance of the Industrial Preparedness Program.

Schedule of Supplies or Services

The supplies and services to be furnished and the time and place of delivery are as follows:

Contract For: _____
_____
_____
_____
_____
_____
_____

Specification Number: _____

Appropriation and other Administrative Data

The supplies and services to be obtained under this Letter Contract are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of same _____

F.O.B. Point _____

Execution, Commencement of Work and Priority Rating

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer not later than _____. Upon acceptance by both parties, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials. An appropriate priority rating, in accordance with the Department of Defense Priority and Allocation Manual, will be assigned to this Letter Contract (ASPR 7-802.2).

Priority Rating

DO or DX _____ (appropriate program code symbol) Certified for national defense use under Defense Materials System Regulation 1.

DEFINITIZATION

(a) A firm fixed-price type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Armed Services Procurement Regulation on the date of execution of the letter contract, all clauses required by law on the date of the execution of the definitive contract and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a fixed-price proposal (cost and fee proposal), and cost or pricing data supporting that quotation.

(b) The schedule for definitization of this contract is set forth below:

_____
_____
_____
_____

Target Date for Definitization: _____

(c) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (b) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with ASPR Section III, Part 8, and Section XV, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) all clauses required by the Armed Services Procurement Regulation on the date of execution of this letter contract for either a fixed price type contract or a cost reimbursement type contract as determined by the Contracting Officer under this paragraph (c);

(ii) all clauses required by law as of the date of the Contracting Officer's determination; and

(iii) such other clauses, terms and conditions as may be mutually agreed upon.

To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

Limitation of Government Liability

(a) The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed _____ *dollars* ($ _____).

(b) The maximum amount for which the Government shall be liable if this contract is terminated is _____ dollars ($ _____).

(c) Unless otherwise provided herein, no progress payment to the Contractor will be made under this contract.

The enclosed forms, with the exception of Enclosure(s) _____ and clause(s) _____ are hereby incorporated into this letter contract which is entered into pursuant to 10 U.S.C. 2304(a)(1) and any required determination and findings have been made.

Sincerely yours,

Contracting Officer

_____ Encls

Accepted _____
_____
(Contractor)

BY _____
_____
(Name—Official Title)

PART 1208—TERMINATION OF CONTRACTS

Subpart B—General Principles

Sec.

1208.201 Authority of contracting officers.

Subpart F—Termination for Default

1206.601 General.

1208.602 Termination of fixed-price supply contracts for default.

1208.602-3 Procedure for default.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—General Principles

§ 1208.201 Authority of contracting officers.

(a) The Head of the Procuring Activity shall prescribe procedures under which contracting officers may terminate contracts for the convenience of the Government and in the case of cost-reimbursement type contracts for the default of the contractor. Notwithstanding a change in requirements a contract is not to be terminated for convenience (except at no cost to the Government as provided in § 8-602.4(iii) of this title if the contractor is in unexcusable default and the Government has a legal right to terminate such contract for default.

(b) The settlement of contracts terminated for the convenience of the Government is the responsibility of the cognizant Defense Contract Administration Office (DCAS). A contract may be terminated for the convenience of the Government by the procuring contracting officer (PCO) at no cost to the Government and without referral to DCAS or the issuance of a notice of termination when the PCO is aware that (1) the contractor will accept a no-cost settlement, (2) Government property was not furnished, and (3) there are no outstanding payments, claims or other contractor obligations. In all other cases a notice of termination for the convenience of the Government shall be issued and a copy forwarded to DCAS for action as specified in § 8-203 (b) of this title.

Subpart F—Termination for Default

§ 1208.601 General.

The decision as to the type of termination action to be taken (i.e., for default, for convenience, or a no-cost settlement) shall be made only after a review of cognizant experienced procurement and technical personnel, and by counsel assigned or available to the particular procuring activity or purchasing office. Under no circumstances should any notice of termination be furnished to the contractor until this review has been made. Careful consideration should be given to the Government's interests whenever small business guaranteed loans (see § 1201.705.4(d)), progress payments, or advance payments are involved.

§ 1208.602 Termination of fixed-price supply contracts for default.

§ 1208.602-3 Procedure for default.

The following procedures, prescribed by the General Services Administration, shall be followed in terminating for default delivery orders placed against Federal Supply Schedule contracts.

(a) *Ordering Office.* Before declaring a contractor in default, ordering offices should ordinarily notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the delivery order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step will not be taken when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may withhold sufficient funds due to contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or setoff, excess cost owed.

(b) *Federal Supply Service (FSS).* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept

further performance by the contractor or place further delivery orders with it. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the FSS or in such other manner as directed by the FSS.

(c) *Notification.* Ordering offices shall furnish to the Purchase Branch, FSS, Room 809, Crystal Mall, Building 4, Washington, D.C. 20406, the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices also shall report, as may be directed by the FSS, all purchases made against the account of a contractor placed in default by the FSS.

PART 1209—PATENTS, DATA, AND COPYRIGHTS

Sec.

1209.000 Scope of section.
1209.000–50 Authority.
1209.000–51 Supply of patented components as GFP.

Subpart A—Patents

1209.103 Patent indemnification of Govment by contractor.
1209.103–4 Waiver of indemnity by the Government.
1209.110 Reporting of royalties—anticipated or paid.
1209.112 Adjusting or royalties.

Subpart B—Rights in Technical and Other Data and Copyrights

1209.202 Acquisition of rights in technical data.
1209.202–50 Reporting of improper use of data or technical data.

Subpart C—Foreign License and Technical Assistance Agreements

1209.304 Foreign license and technical assistance agreements between a domestic concern and a foreign Government or concern.
1209.304–2 Review of agreements.

Subpart D—Processing Licenses, Assignments, and Infringements Claims

1209.401 Policy.
1209.401–50 Processing of infringement claims.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965

§ 1209.000 Scope of section.

§ 1209.000–50 Authority.

The Counsel, HQ DSA, is authorized to act for the Director, DSA, on all patent, copyright, rights in data and trademark matters arising in the DSA. Any question on such matters shall be referred to the Counsel, HQ DSA.

§ 1209.000–51 Supply of patented components as GFP.

Where patented or proprietary components are required in end items purchased by DSA activities, particularly military type items, consideration may be given to furnishing such components as Government-furnished property.

Subpart A—Patents

§ 1209.103 Patent indemnification of Government by contractor.

§ 1209.103–4 Waiver of indemnity by the Government.

Specific patents may be excluded in accordance with § 9–103.4 of this title only with the prior approval of the Counsel, HQ DSA, or the Patent Counsel, HQ DSA.

§ 1209.110 Reporting of royalties-anticipated or paid.

Counsel for the procuring activity concerned will forward to the Counsel, HQ DSA, a copy of each royalty report received in accordance with § 9–110 of this title which indicates that royalties in excess of $250 have been paid or are to be paid to any person or firm.

§ 1209.112 Adjustment of royalties.

The report required by § 9–112 of this title shall be made to counsel for the procuring activity concerned who shall forward the report to the Counsel, HQ DSA, for appropriate action.

Subpart B—Rights in Technical and Other Data and Copyrights

§ 1209.202 Acquisition of rights in technical data.

§ 1209.202–50 Reporting of improper use of data or technical data.

Any direct or indirect charge of improper use of data or technical data received by any procuring activity, shall be referred to Counsel for the activity who will notify and coordinate all actions on such cases with the Counsel, HQ DSA.

Subpart C—Foreign License and Technical Assistance Agreements

§ 1209.304 Foreign license and technical assistance agreements between a domestic concern and a foreign government or concern.

§ 1209.304–2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the DSA under the provisions of § 9–304.1 of this title shall be referred to the Counsel, HQ DSA, for action in accordance with § 9–304–2 of this title.

Subpart D—Processing Licenses, Assignments, and Infringement Claims

§ 1209.401 Policy.

§ 1209.401–50 Processing of infringement claims.

(a) Any direct or indirect charge or threat of patent, trademark or copyright infringement received by any procuring activity, shall be referred to counsel for the activity who will notify and coordinate all actions on such cases with the Counsel, HQ DSA.

(b) The Counsel, HQ DSA, or the Patent Counsel, HQ DSA, are hereby authorized to make acquisitions in accordance with 10 U.S.C. 2386 and to enter into agreements in settlement of claims under the Foreign Assistance Act of 1961 (22 U.S.C. 2356) and 35 U.S.C. 181–188. Coordination with the Departments of the Army, Navy and Air Force in the processing and final disposition of each claim shall be effected by the Counsel, HQ DSA or the Patent Counsel, HQ DSA.

PART 1210—BONDS, INSURANCE, AND INDEMNIFICATION

Subpart A—Bonds

Sec.

1210.112 Execution and administration of bonds and consents of surety.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Bonds

§ 1210.112 Execution and administration of bonds and consents of surety.

(a) Reserved.

(b) *Administration.* All bonds and all consents of surety will be reviewed by counsel of the activity for legal sufficiency. The original signed bond shall subsequently be retained with the original copy of the contract where practical.

PART 1212—CONTRACTOR INDUSTRIAL LABOR RELATIONS

Subpart A—Basic Labor Policies

Sec.

1212.101 Labor Relations.
1212.101–1 General.
1212.101–3 Reporting of labor disputes.

Subpart F—Walsh Healey Public Contracts Act

1212.604 Eligibility of a bidder or offeror.
1212.650 Exception not stated in the publications furnished contracting officers.

Subpart G—Fair Labor Standards Act of 1938

1212.702 Suits against Government contractors.

Subpart H—Equal Employment Opportunity

1212.804 Equal opportunity clauses.
1212.804–50 Equal employment opportunity compliances responsibilities.
1212.807 Affirmative action programs.
1212.808 Compliance reviews and clearances.
1212.808–50 Contractor compliance.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Basic Labor Policies

§ 1212.101 Labor Relations.

§ 1212.101–1 General.

Whenever labor representatives request permission to enter a DSA installation on which private contract employees are engaged in contract work to conduct union business during working hours, the commanding officer may admit such representatives, provided (a) the presence and activities of the labor

representatives will not interfere with the progress of the contract work involved, and (b) the entry of such representatives to the installation shall not violate pertinent safety or security regulations. Commanding officers shall take all necessary action to enforce the above policy and facilitate ready access to worksites within military installations. One method which has met with success in appropriate situations is the maintenance by commanding officers of a list of labor representatives, who have been cleared with regard to safety nd security considerations and who may be admitted into respective installation to conduct union business. The determination as to who are appropriate labor representatives should be made by the commnding officer on recommendation of the contracting officer and representatives of the DSA Industrial Labor Relations Office after consultation with local union officials. Business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the labor organization not directly connected with the contract work, shall not be permitted on the installation except for the routine functions of the working steward whose union duties are incidental to his assigned job. In the event that a commanding officer of an installation or the contracting officer or his representative denies entry to a labor representative for any reason such officer shall notify, through channels, the DSA Industrial Labor Relations Advisor, HQ DSA, ATTN: DCAS-HR. Such notification shall include the reasons for denial, including names, addresses, of representatives denied entry, and union affiliation, if known, of such representatives. An information copy of each notification shall be forwarded to HQ DSA, ATTN: DSAH-PRS.

§ 1212.101-3 Reporting of labor disputes.

The report of labor disputes on DD Form 1507, Work Stoppage Report, in accordance with § 12-101.3(c) of this title is assigned Reports Control Symbol DD I&L(AR)1153.

Subpart F—Walsh Healey Public Contracts Act

§ 1212.604 Eligibility of a bidder or offeror.

(a) In those instances where the contracting officer makes a determination of ineligibility as a manufacturer or regular dealer, such determination, together with supporting documentation, shall be submitted to the Head of the Procuring Activitiy or his designee for review and approval.

(b) In the case of DDMT, DDTC, DDOU, DIPEC, DLSC and DSASC, the review responsibiilty set forth in § 12-604 (a) is hereby delegated to the Commander concerned, or his designee, in accordance with § 1201.201-14.

§ 1212.650 Exception not stated in the publications furnished contracting officers.

Certain of the exceptions stated in the publications furnished contracting officers which contain no specific expiration date may have been rescinded by the Secretary of Labor since date of publication. In case of doubt, inquiry may be directed to the appropriate Regional Director, Wage and Hour and Public Contracts Divisions, Department of Labor indicated in § 12-607, of this title.

Subpart G—Fair Labor Standards Act of 1938

§ 1212.702 Suits against Government contractors.

Cost-plus-a-fixed-fee contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them they must furnish a copy of all papers to the contracting officer. An immediate report of the legal action shall be made direct to the Counsel, HQ DSA.

Subpart H—Equal Employment Opportunity

§ 1212.804 Equal opportunity clauses.

§ 1212.804-50 Equal employment opportunity compliances responsibilities.

(a) In all cases in which a Center or Depot retains the administration of a contract which contains the Standard Equal Opportunity clause or an approved local plan bid conditions, a letter of notification of such award shall be sent to the cognizant DCASR which includes the location in which the work is to be performed. The DCASR Contract Compliance Office (CCO) has the responsibility for insuring contractor compliance with the EEO provisions. The letter of notification will be marked to the attention of the Compliance Office and will contain the following information:

(1) Contract number and dollar value.
(2) Contractor name and address.
(3) Nature of services to be performed.
(4) Site of work.

§ 1212.807 Affirmative action programs.

§ 1212.807-2 Construction contracts.

The DCASR CCO shall be notified of the date, time and place of any preconstruction conferences so that the Compliance Office may have an opportunity to review the EEO requirements with the contractor.

§ 1212.808 Compliance review and clearances.

§ 1212.808-50 Contractor compliance.

(a) Production Services Branch, Quality and Production Division, Directorate of Procurement and Production (DSAH-PRS) will issue weekly a list of contractors found not in compliance with current Equal Employment Opportunity (EEO) regulations. This list shall be utilized by DSA contracting elements to determine, from an EEO standpoint, the eligibility of a contractor for an award.

(b) DSAH-PRS will maintain a master list of contractors who, for reasons of noncompliance with EEO regulations, have been debarred. Notices of debarment/reinstatement will be issued by DSAH-PRS as they are received.

(c) Any questions relating to the eligibility of a contractor for award should be directed to HQ DSA, ATTN: DSAH-PRS.

PART 1218—GOVERNMENT PROPERTY

Subpart C—Providing Government Property to Contractors

Sec.
1213.301 Providing facilities.

Subpart E—Competitive Advantage

1213.501 Policy.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart C—Providing Government Property to Contractors

§ 1213.301 Providing facilities.

(a)(1)(i) Requests for new facilities will be forwarded to HQ DSA, ATTN: DSAH-P for approval by the Executive Director or Deputy Executive Director, Procurement and Production. Sufficient documentation will be provided with the request to show that the need for supplies or services cannot be met by any other practical means or that the furnishing of facilities will be in the public interest. Commanders of Defense Supply Centers, DIPEC, DDMT, DDOU and DDTC are authorized to provide existing facilities under the conditions set forth in § 13-301 of this title.

(ii) A copy of the contractor's written statement, expressing his unwillingness or financial inability to acquire the necessary facilities with his resources, will be included as a part of requests for new facilities. A copy of the written statement obtained in connection with provision of existing facilities will be furnished to HQ DSA, ATTN: DSAH-PR within 15 days after receipt from contractor.

(b) When determination is made that solicitations should include an offer to furnish existing Government facilities because adequate price competition cannot be otherwise obtained, the case will be fully documented to indicate the basis for such determination. Referral to HQ DSA, ATTN: DSAH-PR is not required prior to inclusion of an offer to provide existing facilities except for Approved Plant Equipment Packages. Requests for use of equipment included in such packages will be processed in accordance with procedures set forth in paragraph 10-403, DSAM 4005.1.

Subpart E—Competitive Advantage

§ 1213.501 Policy.

It is DOD policy to eliminate the competitive advantage that might otherwise arise from acquisition or use of Government production and research property. This is accomplished by charging rental or by use of rental equivalents in evaluating bids and proposals. Within the Defense Supply Agency, the more desirable procedure is to develop an evaluation factor equal to the rent (§ 13-502.2 of this title), obtain the necessary approvals to authorize rent-free use of the Government property and award less the evaluation factor. A lower unit cost is thereby achieved and procurement funds are conserved. Rental monies eventually flow

back into the U.S. Treasury but at the expense of the DSA budget. Accordingly, the rental procedure will be utilized only when absolutely necessary.

PART 1214—PROCUREMENT QUALITY ASSURANCE

Subpart C—Contract Provisions

Sec.

1214.305 Places of performance of government procurement quality assurance actions.
1214.305–2 Government procurement quality assurance at source.
1214.305–3 Government procurement quality assurance at destination.
1214.306 Acceptance of supplies or services.

Subpart D—Government Procurement Quality Assurance Actions

1214.406–50 Nonconforming supplies and services.
1214.406–51 Definitions.
1214.406–52 Processing of requests for waiver.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart C—Contract Provisions

§ 1214.305 Places of performance of Government procurement quality assurance actions.

§ 1214.305–2 Government procurement quality assurance at source.

In addition to the provisions of ASPR 14–305.2, Government procurement quality assurance actions will be performed at source for supplies having a critical application.

§ 1214.305–3 Government procurement quality assurance at destination.

Prior to designating that Government procurement quality assurance actions will be performed at destination the contracting officer shall determine that the:

(a) depot or receiving activity has the technical ability to perform the inspections;

(b) necessary technical data, specifications, blue prints, etc., are available at the receiving point or will be furnished the receiving activity prior to receipt of the supplies; and

(c) equipment required to perform the inspection is available at the receiving point.

§ 1214.306 Acceptance of supplies or services.

(a)–(b) Reserved.

(c) When it is desirable, based upon the criteria contained in § 14–306(c) of this title, to use a contractor's certification that supplies conform to contract requirements either as additional assurance to inspection or as the sole basis for acceptance without prior Government inspection, the following will apply:

(1) A clause worded substantially as follows will be inserted in the contract:

Certificate of Conformance (DSA 1975 MAY)

(a) Unless specified otherwise in the contract award, the contractor is required to deliver the supplies to be furnished hereunder with a "Certificate of Conformance" when inspection and acceptance is at destination, and, at the option of the Government Contract Administration Office, may be required to deliver the supplies with a "Certificate of Conformance" when inspection and acceptance is at source. The contractor signed certificate shall be attached to or included on the top copy of the DD 250 or 1155 copies distributed to the payment office. Where acceptance is at destination, a copy of the signed certificate shall also be attached to or entered on copies of the DD 250, DD 1155 or other appropriate documents accompanying the shipment. This certificate shall read as follows:

"I hereby certify that on _____ the (Date)

_____ (contractor's name)

shipped the supplies called for by Contract No. DSA _____ via _____ (Carrier)

on _____ (Bill of Lading or Shipping Document)

in accordance with all applicable requirements for shipment. I further certify that the supplies are of the quality specified and are in all respect in conformance with the contract requirements, including specifications and/or drawings; preservation, packaging, packing and marking requirements; physical item identification (part number), and in the quantity shown on this, or the attached acceptance document."

Date of Execution: _____

Signature: _____

Title: _____

(b) Execution of the foregoing certificate shall be a condition of acceptance by the Government.

(1) The execution of the COC as a condition for acceptance by the Government is advantageous because of the reduction in time and cost of Government inspection without reducing the quality of supplies received.

The contractor's COC is used principally (i) as an alternative to Government procurement quality assurance at source, (in this instance the contract should specify inspection and acceptance at destination; (ii) at the option of the Government Contract Administration Office when inspection and acceptance are at source and the value of supplies or the condition of purchase, delivery, or receipt or use thereof makes it desirable to have additional assurance that supplies conform to contract requirements; and (iii) at the option of the Government Contract Administration Office, when inspection and acceptance are at source and COC is used as the sole basis for acceptance for supplies shipped directly to bases in CONUS and overseas.

(3) The inclusion of post acceptance remedies in the COC clause is not appropriate. Post acceptance remedies for purchase orders (§ 3608 of this title) are limited to the commercial warranty on the reverse side of DD Form 1155. For other contracts which include the inspection clause in § 7–103.5 of this title, inspection rights of the Government are cut off after acceptance of supplies except as regard latent defects, fraud or such gross mistakes as amount to fraud. If post acceptance rights are desired, warranty clauses should be prepared in accordance with criteria of § 1–324 of this title for inclusion in the contract.

(4) The use of such terminology as "inspection and acceptance by COC" is improper and is not authorized. The place of acceptance, as determined under the criteria set forth in §§ 14–305, 14–307 and 14–308 of this title, shall be clearly stated on the contract or purchase order. Except as authorized under Fast Pay procedures, acceptance by the contracting officer is required prior to payment. The COC and the Fast Pay procedure, § 3–606 of this title, are separate and distinct concepts and will not be combined in any manner.

(5) When a contract or purchase order is assigned to a Contract Administration Office (CAO) for inspection and acceptance at source, the CAO's right to base its acceptance upon actual inspection of the supplies shall not be abridged. The insertion of a COC clause that requires the CAO to accept the supplies based solely upon a COC is improper and is not authorized. The CAO shall be given the options of performing inspection and/or based upon contractor's reputation or past performance, requiring the contractor to furnish a COC for use as additional assurance or as the sole basis for acceptance of supplies and services.

Subpart D—Government Procurement Quality Assurance Actions

§ 1214.406 Nonconforming supplies and services.

§ 1214.406–50 Nonconforming supplies and services.

(a) § 14–406 of this title states that it is Government policy that supplies which do not conform in all respects to the contract requirements should be rejected, but provides for exceptions when acceptance of such nonconforming supplies is in the interests of the Government (e.g., for reasons of economy or urgency). This ASPR guidance provides the basis for the contractor practice of requesting waiver of nonconformances in supplies that have been tendered to and rejected by a Government quality assurance representative.

(b) It is DSA policy that the granting of waivers shall be emphatically discouraged in all cases where the contractor is at fault in producing the nonconforming supplies.

(c) For supplies having minor nonconformances, as defined below, contractor requests for waiver shall be rejected except in those few cases where it is clearly advantageous to the Government to accept the nonconforming supplies and they are suitable "as is" for the intended use or the nonconformance results in a superior product.

(d) For supplies having major nonconformances, as defined below, the final determination as to their suitability for use is the responsibility of the activity responsible for technical requirements. The concurrence of such technical activity shall be obtained before waiver of a major nonconformance is granted.

§ 1214.406–51 Definitions.

(a) *Nonconforming Supplies.* Those supplies which contain one or more departures from contractual requirements. Nonconformances are categorized as follows:

(1) *Major Nonconformance.* The failure to conform adversely affects one or more of the following major areas:

(i) performance;

(ii) durability;

(iii) reliability, interchangeability or maintainability of the item or its repair parts;

(iv) effective use or operation;
(v) weight or appearance (where a factor); or
(vi) health or safety.

(2) *Minor Nonconformance.* The failure to conform does not adversely affect any of the major areas listed above. However, when several minor nonconformances exist on a single item, a determination will be made as to whether the cumulative effect is, in reality, a major nonconformance.

(b) *Request for Waiver.* A request for acceptance of nonconforming supplies or services which is prepared by a contractor on his own form or letterhead, unless a specific form is designated by contract.

(c) *Waiver.* A written authorization to accept an item which during production or upon being offered to the Government for inspection and acceptance is found to depart from specified requirements, but nevertheless is considered suitable for use "as is."

§ 1214.406–52 Processing of Requests for Waiver.

The procuring contracting officer (PCO) shall:

(a) Process requests for waiver expeditiously to avoid production delays and possible claims against the Government, and to assure full utilization of the technical information obtained as a result of waivers.

(b) Ascertain whether the contractor's request for waiver was forwarded through the administrative contracting officer (ACO) and includes the ACO's recommendations for approval or disapproval. The PCO must have the ACO's comments and recommendations in order to properly evaluate a request for waiver. Conversely, the ACO must be fully apprised of the request for waiver in order to assure that the contractor has taken action to correct and prevent recurrence of the conditions causing the nonconformance. Therefore, requests for waiver submitted directly to the PCO shall be returned to the contractor for resubmission through the ACO, except in those situations where time is an essential element. In such cases, the ACO's recommendations will be obtained by the most expeditious means available.

(c) Ascertain the supply position of the item and the effect that rejecting the request for waiver will have on the delivery schedule.

(d) Refer the request for waiver to the quality element of the DSC for evaluation and recommendations. The quality element shall serve as the technical support focal point for waiver actions at the DSCs.

(e) Make a determination, based on the above, as to whether the request for waiver should be accepted (if a minor nonconformance), rejected or referred to the appropriate technical activity for concurrence.)

(f) Modify those contracts under which nonconforming supplies are accepted to provide for an equitable price reduction or other consideration. In the case of minor nonconformances, the contract shall not be modified except when it appears that the price reduction or other consideration accruing to the Government will exceed the administrative cost to the Government of processing a contract modification (normally $100), or the best interests of the Government otherwise require that the contract be modified.

(g) Consider repetitive requests for waiver as a factor when making determination of a contractor's responsibility.

PART 1215—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart A—Applicability

Sec.
1215.107 Advance agreements on particular cost items.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Applicability

§ 1215.107 Advance agreements on particular cost items.

(a)–(d) Reserved.

(e) The ASPR Committee will cause a master list to be published annually which will contain the names of commercial contractors, nonprofit institutions, and educational organizations operating under negotiated overhead rates (§ 3–700 of this title) for cost reimbursement type contracts and contractors selected for tri-service departmental negotiation of advance agreements for independent research and development and bid and proposal costs (§ 15–107, 15–205.35 and 15–205.3 of this title). Interim changes will be published as required and will show only the specific additions, deletions, or changes that have occurred.

(f) HQ DSA receives and will retain copies of reports/amendments of negotiated overhead rates and advance agreements for independent research and development, and bid and proposal costs for the entities on this master list. HQ DSA (DSAH–PPP) will provide copies to DSCs upon request.

PART 1216—PROCUREMENT FORMS

Subpart A—Forms for Supply and Services Contracts

Sec.
1216.104 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, 30 and 18).
1216.104–1 General.
1216.104–2 Solicitation, offer, and award (Standard Form 33).

Subpart H—Miscellaneous Forms

1216.850 Special quality assurance instructions.
1216.850–1 General.
1216.850–2 Conditions for use.
1216.850–3 Procedures.
1216.850–4 General instructions for preparing the special quality assurance instruction form.
1216.851 Request for contract review/approval (DSA Form 677).
1216.851–1 General.
1216.851–2 General instructions for preparation of DSA Form 677.
1216.852 Contract file content list (DSA Form 678).
1216.852–1 General.
1216.852–2 General instructions for preparation and use of DSA Form 678.
1216.853 Loan agreement for Government property (DSA Form 491).

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Forms for Supply and Services Contracts

§ 1216.104 Instructions for Preparation of Forms for Advertised and Negotiated Supply and Services Contracts (Standard Forms 33, 26, 30 and 18).

§ 1216.104–1 General.

(a) "Continental United States" is as defined in JCS Pub. 1; i.e., CONUS is limited to the 48 contiguous states and the District of Columbia, and excludes Alaska and Hawaii.

§ 1216.104–2 Solicitation, offer and Award (Standard Form 33).

Instructions for block entities are as follows:

Block No.	*Title and/or Instructions*
9 ----------	Time for receipt of offers. The terms "standard time" and "daylight savings time" or abbreviations thereof shall not be used in DSA solicitations. In lieu thereof, the terms "local time at the place of bid opening" or "local time at the place where proposals are received" shall be used. The first sentence of block 9 on the SF 33 (for an IFB) would now read as follows: "Sealed offers in original and ____ copies for furnishing the supplies or services described in the schedule will be received at the place specified in block 8, or if hand carried, in the depository located in building 4, 4D 175, until 1 p.m., local time at the place of opening, 25 May 1975."

Subpart H—Miscellaneous Forms

§ 1216.850 Special quality assurance instructions.

§ 1216.850–1 General.

The special quality assurance instruction form is designed to be used by the procurement contracting officer (PCO) and his quality assurance technical specialist to inform the Quality Assurance Representative (QAR), through the contract administration office (CAO), to whom the contract is assigned, of pertinent contract requirements and to provide him with the available quality history of the product and the contractor. The form also provides the QAR with the name, address and phone number of the cognizant technical specialist in the center.

§ 1216.850–2 Conditions for use.

The Special Quality Assurance Instruction Form (DSA Form 970) is to be used on all procurements of critical items.

§ 1216.850–3 Procedures.

When items that have been identified as having a critical application in accordance with DSAR 3200.3, Identification, Processing and Procurement of Items with Critical Application, are to be procured, the appropriate Defense Contract Administration Services (DCAS) field activities or other agencies having inspection cognizance shall be alerted through use of DSA Form 970, regardless of the dollar value of the item or contract. Two copies of the completed form will be forwarded to the appropriate DCAS field activity as shown in DOD 4105.59–H, Directory of Contract Administration Services Components. The copies will be sent to the cognizant CAO quality assurance staff or attached to DCASR copies of the contracts at the time of contract distribution.

§ 1216.850–4 General instructions for preparing the Special Quality Assurance Instruction Form.

Instructions for block entries are as follows (Entries should be typed):

Block No.	*Title and or Instructions*
8	Contract quality/inspection requirements: Identify the contract quality-inspection requirements using § 14–301 of this title as a guide.
9	Certificate of conformance: Indicate "required" when the contract states that COC may be used as the sole basis for acceptance. Indicate "optional" when the contract states that COC may be used as an element incident to acceptance by the CAO.
10	Item use: use when applicable.
11	Authority for acceptance of nonconforming supplies and services is withheld in accordance with § 14–406(b)(ii) of this title: In accordance with § 14–406(b)(ii) of this title: use only when PCO retains authority.
12	Special contractor examinations and tests: Identify any special contractor examinations and tests the QAR should witness or monitor closely. Also identify any special contractor examinations and tests for which the DSC quality assurance element desires to be present.
13 and 13a	To inform the QAR when and for what purpose DSC technical representatives will participate in the contractor test program.
14 and 14a	To provide verification test requirements and laboratory address.
15	Product quality history: To provide QAR with pertinent details of product that would alert him to possible trouble areas.
16	Contractor quality history: To provide QAR with a pertinent, general summary of the contractor's past performance, where the performance may affect the quality of the supplies or services being procured. Statements which because of their sensitive nature, would have to be classified as "for official Government use only" will be avoided. If sensitive data must be provided the QAR, a statement to the following effect will be included: "The QAR should contact the individual shown in block 18 for specific details relating to the quality history of the contractor."
17	Remarks: Identify any additional information or clarifying remarks which may be useful to the QAR that are not provided elsewhere on the form."
18	DSC contract for quality assurance: Enter name, address, and phone number of DSC specialist in technical operations assigned to the commodity.

§ 1216.851 Request for Contract Review/Approval (DSA Form 677).

§ 1216.851–1 General.

DSA Form 677 shall be used as prescribed in § 1201.452–3. Requests for contract review/approval shall be addressed to the attention of DSAH–PC.

§ 1216.851–2 General instructions for preparation of DSA Form 677.

Instructions for block entries are as follows:

Block No.	*Title and/or Instruction*
1/1a	Insert the subparagraph number of § 1201.452–2(a) that is applicable to the type of action for which approval is being requested. Place an "X" in the appropriate block to signify that the proposed action is either a new contract or a modification of an existing contract and, if the latter, the basis for the modification.
2/2a	Insert the date of expiration of the bid or proposal, or the date by which existing contract terms require exercise of the option. If the date entered allows less than 11 days from date of dispatch of the request, as entered in block 16a, the request is to be considered a request for expedited review, and the block provided (2a) is to be checked. The reason for requiring expedited review is to be given in block 14; e.g., explain why an extension of the bid or proposal not be requested. If the date cannot be obtained, or should entered allows 11 days or more, but an expedited review is desired, the same procedure should be followed.
3	Describe the type of contract briefly to identify the terms governing quantity, price, and delivery, e.g., firm fixed price—FFP, requirements—fixed price, with escalation—requirements—FP w/esc. cable because of different destinations—f.o.b. destination,
4/4a/4b/4c.	If more than one CLIN is applicite total quantity and give the unit price range. If both f.o.b. origin and f.o.b. destination prices are applicable, give the total quantity applicable to each, with the applicable prices/price ranges. When services are described, include the location of performance and the period during which services will be performed.
5/5a/5b	Check the applicable block to indicate whether the authority for purchase is a center generated purchase request—PR, or a service generated military interdepartmental purchase request—MIPR. IOM's requesting establishment of requirement contracts are to be considered as PR's. Requests for procurement action by a military service on other than the prescribed MIPR form are to be considered as MIPR's. The receipt dates desired in 5a and 5b are: (*a*) for PR's the date of receipt in procurement; (*b*) for MIPR's the date of receipt in the center.
6a/6b/6c	Solicitation number(s) and amendment number(s) are to be listed, with issue and opening/closing dates applicable.
7/7a/8	Self-explanatory.
9/9a/9b	If the action proposed is on a definite quantity, firm fixed price basis, check "actual." For all other types, check "estimate." The total dollar value to be entered is that shown on the face of the proposed contract as the total amount, or total estimated amount of the action. If the action is a modification, only the amount, actual or estimated, of the modification is to be entered. Under 9b give the fixed dollar amount to be obligated by the contract execution for which funds have been committed.

9c/9d	If Government facilities are to be provided under the contract, check the GFP block. If facilities are being furnished rent free, insert "rent free" in lieu of dollar value. If facilities are being furnished on a rental basis, give the anticipated dollar amount of rental based on the proposed contract delivery schedule. If material is to be furnished, check the GFM block. If the material is being furnished by the bailment method, give the total estimated value of the material included in the total contract price. If GFM is not being provided by the bailment method, insert "N/A" in block 9d.
10	For small business restricted advertising, check negotiated, insert the applicable authority and add "SBRA." For options, enter the information applicable to the basic contract.
11	If option is to a service contract to be extended without change in quantity of work covered, insert N/A after maximum percent.
12a/12b	In block 12a, include the number of concerns to whom solicitations were sent as the result of individual requests, after issuance of the initial solicitation. Note that 12b requires the number of responsive bids/proposals.
13a/13b	Self-explanatory.
13c/13d	The price analysis, whether prepared by the cost and pricing element or by the contracting element, will be inserted under tab 22 of the contract file and will include (i) the quantities, unit prices, f.o.b. points of preceding procurements—at least two; (ii) the basis for determining price reasonableness on the preceding procurements listed; and (iii) the increase/decrease in prices of the proposed contract as compared to the preceding procurements. The percentage relationship of the proposed price to the immediately preceding procurement will be shown in block 13d. If the procurement is the first by DSA and information on prior procurements is not obtainable, a brief description of the efforts made to obtain prior procurement information will be included in remarks—block 14—and any backup documentation included under tab 22.
14–16	Self-explanatory.
17	Enclosure blocks to the DSA 677 have been prechecked. The contract file forwarded will contain all documents/papers which comprise the official contract file up to the date of the request. HQ DSA will review on the basis that there are no other applicable documents to be added to the official contract folder, unless the DSA Form 677—Remarks block 14—indicates that additional documentation is being obtained. The HQ DSA file copy to be provided is to contain the following: A complete duplicate file will not be provided.

(a) A copy of the DSA Form 677 request to include the names of signatures to the request, and the dates of the signatures.

(b) A copy of the DSA Form 678 which is *identical* to that in the contract file.

(c) A COMPLETE copy of the proposed contract, modification. When the request covers a proposed contract modification to a contract (or modification) which has been previously reviewed and approved by HQ DSA, the basic contract, or previously approved modification need not be provided; however, any modifications made subsequent to the last HQ DSA review will be included.

(d) When applicable, a copy of the determination and findings authorizing negotiation.

(e) A copy of the price analysis/contracting officer's determination of price reasonableness and, where applicable, a copy of the record of prenegotiation review and the price negotiation memorandum. Should any of these documents refer to other documents in the official contract file for detail information, or depend on such documentation as the source of information a copy of those documents will also be included (this includes DCAS/DCAA reports, and preaward survey reports if applicable).

General

1. Should the space allotted on the DSA Form 677 be insufficient, the additional information is to be included on a plain sheet of paper identified as Sheet Nr.2, etc., to DSA 677, Contract Nr. (as shown under Block Nr. 8). The total number of pages will be shown in the space provided at the bottom of DSA Form 677.

2. The reverse of DSA Form 677 will be used both for replies to requests for preaward approval (Section I) and to return contract files submitted as requested for post award review (Section II). When a post award review has been made, remarks previously furnished by separate letter will be included in the "Remarks" space on the DSA Form 677 reverse.

§ 1216.852 Contract File Content List (DSA Form 678).

§ 1216.852–1 General.

DSA Form 678 shall be used as prescribed in § 1201.452–3.

§ 1216.852–2 General instructions for preparation and use of DSA Form 678.

(a) *Filing Instructions.* (1) Contract file sections will be identified by inclusion of a divider annotated with the Section Identification and Title, e.g., "Section A—Planning and Solicitation." Sections A and B will be filed on the *left* side of the file folder with Section A on the *bottom*. Sections C and D will be filed on the *right* side of the file folder with Section C on the *bottom*.

(2) The lowest numbered TAB within each Section will be placed at the *bottom* of that Section. When multiple documents are present under a numbered TAB, i.e., correspondence, memoranda, etc., they will be filed chronologically with the *most recent* document on top.

(3) It is impossible to enumerate all of the factors or conditions which may require specific documentation over and above that normally required. Therefore, as circumstances dictate, contracting officers will describe, under the appropriate "blank" TAB Nos., e.g., Nos. 14–17; 29–32, etc., such documentation as may be peculiar to the procurement involved and file same in the analagous contract file section.

(b) *Contract Documentation.* (1) The documents identified on DSA Form 678 are those which are normally required to support an advertised/negotiated procurement action, other than a small purchase. The file sections provided establish the logical procurement cycle sequence of documentation. The completed file will constitute a complete, chronological history of the transaction and permit ready reconstruction of the actions taken in processing the procurement.

(2) The following Sections discuss those elements of contract documentation which merit special attention and indicate documentation requirements which are most frequently "overlooked":

(i) *Section A—Planning and Solicitation:* (A) *Tab No. 1 PR /MIPR.* The contract file must reflect the manner and extent to which the needs of the requiring activity have been met. It is essential, therefore, that in addition to the basic purchase authority, any changes and justification therefore be included under this Tab. In the case of amendments, the basis for change must be evidenced, e.g., in those instances where items on the purchase request have been completely lined out or quantities changed, indication *must* be made of the identity or authority of the individual or activity which requested/authorized the change. In other instances where contracts have been issued calling for something other than that specified on the PR/MIPR explanation must be included as to the authority/approval for the change and from whom received. Memoranda must adequately identify individuals referred to in memoranda, e.g., statements such as "this was discussed with and concurred in by Mr. Smith in Supply" are inadequate. An individual's full name, title or position and his relationship to the subject matter of the memorandum must be clearly established; this is of particular importance should post award questions arise. Requirements should be revalidated in those instances where excessive time has elapsed between the issuance of

the Purchase Directive and consumation of the contract.

(B) *Tab No. 2 Specification/Drawing.* These documents in many instances either dictate source selection or indicate to the contracting officer the extent of possible competition. Any change either prior or subsequent to solicitation may affect final source selection. When such changes are effected, explanatory memorandum (or actual documentation supporting the change) must be included in the file indicating as a minimum (*i*) the basis and authority for initiating specification/drawing change (*ii*) coordination received from appropriate technical personnel and (*iii*) approval/concurrence of the requiring activity. When specification/drawing changes are initiated/confirmed by the requiring agency on a PR/MIPR amendment, the documentation should be included in Tab No. 1 with an annotation in Tab No. 2 identifying the amendment number.

(C) *Tab No. 3 Procurement Plan (§ 1201.2100–1).* The Procurement Plan will include, as a minimum, the information included in § 1201.2102. The use of pre-printed forms for this purpose is acceptable.

(D) *Tab No. 4 Determination and Findings (Authority to Negotiate).* The determination to negotiate is governed by specific facts inherent in a proposed procurement; the D&F must include those facts which will clearly and convincingly establish that the use of formal advertising would not be practicable. The information provided must be *explicit, current* (revised in those instances where requirements have changed subsequent to issuance of the initial D&F) and *accurate* as to (*i*) format (Appendix J, Part 503 of this title, (*ii*) citation of appropriate negotiation authority (§ 3–201 through 3–217 of this title), (*iii*) estimated dollar amount, including where applicable, the value of proposed option quantities and (*iv*) appropriate signatory authority and date. Each D&F must reflect the circumstances peculiar to the instant procurement. The use of previous D&Fs as a "model" often results in inaccuracies and the necessity to reaccomplish the D&F.

(E) *Tab No. 5 Nonpersonal Services Determination.* A statement by the contracting officer that the services proposed for procurement have been determined to be nonpersonal in nature is *not* sufficient to meet the requirements of § 22–102.4 of this title. Such determination must include the reasons and *all* of the facts which were deemed to substantiate the nonpersonal aspect of the services; examples of criteria for characterizing services as nonpersonal rather than personal are set forth in § 22–102.3 of this title.

(F) *Tab No. 6 DOL Wage Determination.* Department of Labor Wage Determinations are normally effective for a period of 120 days after issuance and *must* be in effect at the time of solicitation and at the time of award. When it is necessary to obtain extensions on determinations in order to carry them through the period until award is to be made, the documentation authorizing such extension by the Department of Labor must be included under this Tab.

(G) *Tab No. 7 Small Business/Labor Surplus Area Determination.* The determinations required under § 1–706 and § 1–804.1 of this title, must be accurate and complete insofar as the reason given for not having a small business or labor surplus area set-aside. Statements such as "a set-aside was not considered because of insufficient quantity" must be supported. Statements such as "no known source located in labor surplus area" must be based on historical and current facts. The information included in this determination must accurately reflect the consideration given to compliance with § 1–706.1 and 1–804.1 of this title; the information included therein imposes, in turn, a responsibility to make a realistic evaluation of requirements and a current review of possible sources to substantiate the information used in determining the proposed procurement method.

(H) *Tab No. 10 Source List.* The list of sources initially solicited *and* those to whom solicitations were subsequently issued as a result of requests are to be included; in the latter case, the date requested solicitation was issued will be indicated. Where it is *clear* that a single source of supply exists, the reason for soliciting any additional firms will be included under this Tab.

(I) *Tab No. 13 IFB/RFP & Amendment.* The contract file must include the solicitation document and, as applicable, any amendments thereto. With respect to the latter, it is of utmost importance that amendments accurately reflect their issuance date. Inclusion of this date in Block 2, "Effective Date" of Standard Form 30 is extremely important if for no other reason than to preclude any controversies which might arise as to whether offerors were provided sufficient time to respond to the amendment. In the case of oral solicitations, the requirements of § 3–501(d)(ii) of this title must be satisfied, i.e., with documentation supporting the fact that use of oral solicitation had been approved at a level higher than the contracting officer. As the use of oral solicitation requires careful monitoring, such documentation is extremely important.

(ii) *Section B—Preaward Support Data:*

(A) *Tab No. 18 Abstract of Bid Proposal.* Generally, abstracts on formally advertised solicitations are found to be complete and accurate. The same care must be taken in the preparation of an abstract on negotiated procurements, i.e., any conditions of the offers which are related to their evaluation must be included on the abstract; if lengthy, the "Remarks" column should be annotated with information indicating the location in the offer of the condition, e.g., "See page ---- of the proposal for exception to specification."

(B) *Tab No. 19 Packaging/Transportation/Freight Rate Data.* Inclusion of Transportation/Freight Rate Data, normally provided the contracting officer by the Center transportation activity, is essential as it enables a ready means of determining the manner in which transportation costs were applied in arriving at the evaluated prices. Files must also include sufficient information to substantiate the equitability of packaging costs. Statements in the price analysis or PNM indicating that a price increase is not unreasonable because the contracting officer has found it to be "attributable to the requirement for Government specification pack in lieu of normal commercial pack" must be supported, i.e., must indicate what the differential is and that technical personnel have, in fact, reviewed the costs associated with Government packaging requirements versus commercial packaging to arrive at figures which support the price reasonableness conclusion.

(C) *Tab No. 20 Cost/Pricing Data. All* cost or pricing data received from the offeror in support of his proposal is to be included under this Tab. If any *data* should be included in correspondence dealing with other matters which are pertinent to the final contract, e.g., delivery schedule, contract clauses, etc., the original correspondence will be filed under this Tab and a cross reference (or copy of such correspondence) placed in Tab No. 44. Submission/acceptance of inadequate or incomplete cost or pricing data is a recurring problem. To establish completeness, each data element must be identified as to (*i*) what it is, (*ii*) where it is, (*iii*) what it represents and (*iv*) how it was used. A *fully completed* "Reference" column on the DD Form 633 is the key to these four points. If the data are not comp'ete, that required must be obtained from the offeror; it is neither the responsibility of DCAS or the auditor to obtain the data. The review of data for adequacy and any requirement placed on the contractor to submit additional data required must be made *prior* to forwarding request to DCAS for audit. In those instances where time is of the essence, it is permissible to request the contractor to submit copies of any additional data direct to the cognizant DCAS/DCAA activity; the original of such documents to be provided the purchasing activity. Immediately upon receipt of such additional required data, it must be reviewed to assure it is adequate. The cost/price analysis element is charged with responsibility for determining the adequacy of data received; however, the final responsibility rests with the contracting officer.

(D) *Tab No. 21 Field Pricing Report/Waiver.* When field pricing support is requested from the cognizant contract administration services activity pursuant to § 3–801.5 of this title, the report obtained, together with any attached assist reports will be included under this Tab. If the authority contained in § 3–801.5 of this title to waive field pricing support is exercised by the contracting officer, his determination and the

supporting available information on which the determination is based will be included, e.g., should part of the available information include a recent, prior field pricing support report, a copy of the prior field pricing support report will be included.

(E) *Tab No. 25 Certificate of Current Cost/Pricing Da a.* Often a contractor will provide a Certificate of Current Cost or Pricing Data at the close of the negotiation session and will subsequently confirm, by letter, details of the agreements reached. In some instances, the confirming letter will include data which although previously discussed and accepted, have not previously been presented in writing. In such cases, the Certificate of Current Cost or Pricing Data presented at the close of negotiations becomes invalid; a new Certificate must be obtained to reflect the contractor's last data submission upon which the final price agreement was concluded.

(F) *Tab No. 26 Government Facilities Use Approval.* § 13-402 of this title requires a determination that the Government will receive adequate compensation for the contractor's use of Government property through reduced costs or otherwise. This determination is mandatory to support a proposal to provide a contractor with Government facilities.

(iii) *Section C—Other Support Data:*

(A) *Tab No. 34 Unsuccessful Bid/Proposal.* Required under this Tab, along with the unsuccessful bid/proposal itself, is the notification to the offerors (either that already issued or that proposed to be issued) that bids/offers were unacceptable and the reasons therefor.

(B) *Tab No. 36 Determination of Late/Bid Proposal.* All actions taken in accordance with the procedures prescribed under § 2-303 and § 3-506 of this title will be included under this Tab.

§ 1216.853 Loan Agreement for Government Property (DSA Form 491).

DSA Form 491 is authorized for use in lending Government-owned property to prospective bidders or offerors in accordance with 50-101.

PART 1217—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart B—Requests for Contractual Adjustment

Sec.
1217.201 Authority of the Director.
1217.203 Authority of other officers and officials.
1217.207 Submission of requests by contractors.
1217.207-3 Records.
1217.208 Processing cases.
1217.208-2 Disposition below Secretarial level.
1217.208-3 Submission of cases to the Contract Adjustment Board.
1217.208-5 Maintenance of records.
1217.208-6 Interdepartmental coordination.

Subpart C—Residual Powers

1217.301 Delegation of authority.
1217.304 Maintenance of records.

Subpart D—Records of Requests and Dispositions

1217.403 Sample format for preliminary and final records.

AUTHORITY: The provisions of this Part 1217 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Requests for Contractual Adjustment

§ 1217.201 Authority of the Director, DSA.

Authority vested in the Director under § 17-201(b) of this title has been delegated to Counsel and Assistant Counsel, DSA.

§ 1217.203 Authority of other officers and officials.

The authority in § 17.203(a)(i) and (ii) of this title has been delegated to HPAs. This authority may be redelegated only to a staff official reporting directly to the HPA. Two copies of any redelegation shall be furnished the Counsel, DSA, one copy of which will be transmitted to the Assistant Secretary of Defense (I&L).

§ 1217.207 Submission of requests by contractors.

§ 1217.207-3 Records.

Records required by § 17.207-3 of this title shall be forwarded to the Counsel, DSA.

§ 1217.208 Processing cases.

§ 1217.208-2 Disposition below secretarial level.

The documents required by § 17.208-2 (b) of this title shall be forwarded to the Counsel, DSA. When a procuring activity denies a request, a copy of the letter of explanation to the contractor shall be included.

§ 1217.208-3 Submission of cases to the Contract Adjustment Board.

Cases not within the approval authority of HPAs and any doubtful or unusual cases shall be forwarded to Counsel, DSA, for further processing. The forwarding letter shall contain the information and evidentiary materials outlined in § 17.-208-3 of this title.

§ 1217.208-5 Maintenance of records.

The records required by § 17.207-3, 17.208-2(b) and § 17.208-4 (a) and (b) of this title shall be maintained by the Counsel, DSA.

§ 1217.208-6 Interdepartmental coordination.

The procuring activity responsible for processing a contractor's request for contractual adjustment shall be responsible for establishing liaison and joint action with other Military Departments and other departments and agencies of the Government, except that the Counsel, DSA, shall have such responsibility after any case is forwarded for further processing.

Subpart C—Residual Powers

§ 1217.301 Delegation of authority.

Authority vested in the Director under § 17.201 has been delegated to Counsel and Assistant Counsel, DSA.

§ 1217.304 Maintenance of records.

Counsel, DSA, shall be responsible for maintaining the records required by § 17.303(b) of this title.

Subpart D—Records of Requests and Dispositions

§ 1217.403 Sample format for preliminary and final records.

Record of the field activity responsible for the case when submitting preliminary and final records described in § 17.401 and 17.402 of this title.

PART 1219—TRANSPORTATION

Subpart A—Introduction

Sec.
1219.104 F.O.B. Point.
1219.104-2 Determination of F.O.B. terms of procurement of items originating in the Continental United States.

Subpart B—Planning and Solicitation

1219.213 Shipments to ports.
1219.213-50 Designation of ports for bid evaluation.

Subpart C—Evaluation of Bids and Proposals

1219.301 Transportation rates and related costs to be used.
1219.301-1 General.
1219.301-50 Port handling and ocean costs in bid evaluation.

AUTHORITY: The provisions of this Part 1219 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301-2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Introduction

§ 1219.104 F.O.B. point.

§ 1219.104-2 Determination of F.O.B. terms of procurement of items originating in the continental United States.

(d)(1)(VI) Each requirement considered for purchase of an f.o.b. destination only basis under the authority of § 19-104.2(d)(1)(VI) of this title shall be considered on its own merits. If it is decided to effect purchases on an f.o.b. destination only basis, the contract file shall be documented to reflect the basis on which the decision was reached.

Subpart B—Planning and Solicitation

§ 1219.213 Shipments to ports.

§ 1219.213-50 Designation of ports for bid evaluation.

When a contract will not generate any shipments destined overseas for which an Export Release is required (less than 10,000 lb., etc., Military Traffic Management Regulation paragraph 20205), offers shall be solicited only f.o.b. appropriate ports published in Appendix G of DoD Regulation 4500.32-R (MILSTAMP). The supporting provision

in § 7-2003.20 of this title shall be included in the solicitation and be modified to:

(a) delete paragraph B pertaining to f.o.b. origin basis;

(b) delete the following from paragraph C(2) "Unless bids (or offers) are applicable only to f.o.b. origin delivery under Government bills of lading (see B above)";

(c) include the applicable port handling and ocean charges adjacent to the port(s) listed in paragraph D; and

(d) delete paragraph E pertaining to ports nominated by bidder (offeror).

Subpart C—Evaluation of Bids and Proposals

§ 1219.301 Transportation rates and related costs to be used.

§ 1219.301–1 General.

§ 1219.301–50 Port handling and ocean costs in bid evaluation.

Those port handling and ocean charges available at time of issuance of a solicitation shall be published in those solicitations for the procurement of supplies for overseas shipment. The provision set forth below, advising that these charges are tentative and not necessarily those that will be used in the evaluation, shall also be included in the solicitation, just below any charges published. This provision will preclude the need for extension of opening dates or cancellation of solicitations and will still permit award to that bidder who is, in fact, low at time of bid opening as a result of any change in charges after issuance of the solicitation.

Port Handling and Ocean Costs in Bid Evaluation (DSA APR 1975).—The above tentative port handling and ocean freight charges are set forth for the information of offerors. In evaluating offers received in response to this solicitation, the Government will utilize those charges which are on file as of the date of bid opening (or closing time specified for receipt of proposals) and effective for the date of expected initial shipment. A list of port handling and ocean freight charges actually used in evaluation, if substituted for any listed above, will be furnished interested offerors upon request.

PART 1220—ADMINISTRATIVE MATTERS

Subpart B—Uniform Procurement Instrument Identification Numbers

Sec.
1220.203 Uniform procurement instrument identification numbers.
1220.203–1 Element of number.
1220.204 Supplementary procurement instrument identification numbers.
1220.204–50 First delivery orders against indefinite delivery type contracts.

Subpart G—Assignment of Contract Administration

1220.703 Retention of contract administration by the purchasing office.
1220.703–50 Support administration.
1220.706 Designation of the disburing office.

AUTHORITY: The provisions of this Part 1220 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart B—Uniform Procurement Instrument Identification Numbers

§ 1220.203 Uniform procurement instrument identification numbers.

§ 1220.203–1 Elements of number.

(iii) The letter Y in the ninth position of the basic PII number is reserved to identify imprest fund orders posted to the Standard Automated Material Management System (SAMMS) or other DSA automated systems.

§ 1220.204 Supplementary procurement instrument identification numbers.

§ 1220.204–50 First delivery orders against indefinite delivery type contracts.

A delivery order number shall be established for the first order quantity by issuing a separate DD Form 1155. Where it is necessary to order an initial quantity at the time of establishing an indefinite delivery type contract such as when using the incremental purchasing system, the DD Form 1155 should be issued concurrently and be cross-referenced with the indefinite delivery type contract.

Subpart G—Assignment of Contract Administration

§ 1220.703 Retention of contract administration by the Purchasing Office.

§ 1220.703–50 Support administration.

If the PCO retains administration of a contractor or order and a need subsequently arises to delegate supporting contract administration to a CAO, the contract or order shall be assigned for performance of all contract administration functions.

§ 1220.706 Designation of the Disbursing Office.

(a) Reserved.

(b) All contracts assigned to a Service Plant Cognizance Representative for administration shall designate the disbursing office supporting the purchasing office as disbursing office for the contract except for contracts resulting from MIPRs, which will cite the disbursing office in accordance with DSAR 4115.3, paragraph VI A 13.

PART 1221—PROCUREMENT MANAGEMENT REPORTING SYSTEM

Subpart A—Individual Procurement Action Report (DD Form 350)

Sec.
1221.102 Applicability and coverage.
1221.103 Due date and distribution.
1221.106 Item 1B, (No title).
1221.108 Item 2, contract number.
1221.117 Item 10B, system or equipment code.
1221.119 Item 11, description of commodity or service.
1221.120 Item 12, coordinated procurement.
1221.123 Item 15, contract placement.
1221.125 Item 17, negotiated under 10 U.S.C. 2304(a) exception.
1221.130 Item 22, date of this action.
1221.131 Item 23, estimated completion date.

Subpart B—Monthly Procurement Summary (DD Form 1057)

1221.201 Applicability and coverage.
1221.250 General.

AUTHORITY: The provisions of this Part 1221 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Individual Procurement Action Report (DD Form 350)

§ 1221.102 Applicability and coverage.

(a) To assure that the procurement statistics prepared at HQ DSA, and furnished to the Office of the Secretary of Defense, correspond with the data of the reporting activities, each purchasing office shall furnish HQ DSA, ATTN: DSAH-PAR, within one day following the close of each month, with the first and last report number of the DD Forms 350 that were issued in the preceding month's report period, listing any exceptions to the consecutive numbering pattern. In addition, furnish the total dollar value involved in these DD Forms 350.

(b) Each item on the DD Form 350 shall contain only one entry.

§ 1221.103 Due date and distribution.

The DSA Form 556 must be submitted so as to reach HQ DSA within 3 workdays following the end of each month. To meet this due date, the cutoff for the DSA Form 556 shall be the 25th calendar day of the month being reported on. RCS DD-I&L(M)1014 applies to this report.

§ 1221.106 Item 1B, (No title).

§ 1221.108 Item 2, contract number.

(a) *Sub-Item A. Dept.* Enter the alphabetic characters in the contract number which denote the Department or Agency executing the contract as follows:

(1) For departments within DoD, enter—DSA(S) for Defense Supply Agency, DA(A) for Army, (N) for Navy, (F) for Air Force, (D) for all other Defense Agencies.

(2) For orders under contracts awarded by General Services Administration (Federal Supply Schedule contracts) enter GS(G), and for orders under contracts awarded by the Government Printing Office enter GP(P). Enter five zeros in Sub-Item B.

(3) For orders covering purchases from other Federal agencies (see § 21-108(a)(iii) of this title), enter X in parentheses. Enter five zeros in Sub-Item B.

§ 1221.117 Item 10B, system or equipment code.

Not applicable to DSA.

§ 1221.119 Item 11, description of commodity or service.

In addition to or as a part of the regular item description, place in parentheses an abbreviated description which must not exceed 10 typewritten characters, including spaces but omitting punctuation marks, e.g.,

Pallet, Aircraft, Cargo HCU-6/E (Pallet).
Coal, Bituminous (Coal Bitum).

Yellow Fever Vavvine (Yl Fev Vac).
Tetanus and Piphtheria Toxoids (Toxoid TD).
Handbag, Women's Brown, Calfskin (Handbag Wmn).
(Fuel Oil).

If action involves more than one item, enter in Item 11 the one having the greatest dollar value. Additional items may be entered on the reverse side of the form; abbreviated descriptions are not required for these additional items.

§ 1221.120 Item 12, coordinated procurement.

Codes 3 and 6 are the only codes applicable to DSA.

§ 1221.123 Item 15, contract placement.

(a)–(e) Reserved.

(f) *Code J. Military Assistance Sales.* The ASPR instruction for separate reporting where a single action is partly for Military Assistance Sales applies only when each of the individual parts exceeds $10,000. If one or both of the parts are less than $10,000 but the sum of both parts is more than $10,000, the total shall be reported as one action on a single DD Form 350, and reporting based on the part of the action that involves the greatest dollar value.

§ 1221.125 Item 17, negotiated under 10 U.S.C. 2304(a) exception.

Enter code as follows:

For codes 1A through 1E, enter as 01A0 through 01E0.
For codes 2 through 9, enter as 0200 through 0900.
For codes 10–1 through 10–9, enter as 1001 through 1009.
For codes 11 through 16 and 17A and 17B, enter as 1100 through 1600; 17A0 and 17B0.

§ 1221.130 Item 22, date of this action.

Enter this following alphabetical code for the month:

A—Jan., B—Feb., C—Mar., D—Apr., E—May, F—Jun., G—Jul., H—Aug., I—Sep., J—Oct., K—Nov., L—Dec.

For example: Date of this Action: 75/G/5 for 5 July 1975.

§ 1221.131 Item 23, estimated completion date.

Same as 1221.130 above. For example: Estimated Completion Date: 75B for February 1975.

Subpart B—Monthly Procurement Summary (DD Form 1057)

§ 1221.201 Applicability and coverage.

Defense Personnel Support Center Defense Subsistence Regions shall submit separate DD Forms 1057 for perishable and nonperishable subsistence activity.

§ 1221.250 General.

Enter the number of actions and dollar value of awards of $250 or less that were negotiated under 10 U.S.C. 2304(a)(3) or 10 U.S.C. 2304(a)(6) utilizing small purchase procedures pursuant to section III, part 6 of this title.

PART 1225—PRODUCTION SURVEILLANCE AND REPORTING

Subpart A—Production Surveillance

Sec.
1225.103 Assignment of criticality designator by purchasing office.
1225.103–50 Criticality designator "A".

Subpart B—Production Reporting

1225.202 Production progress reporting by contractors.

AUTHORITY: The provisions of this Part 1225 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart A—Production Surveillance

§ 1225.103 Assignment of Criticality Designator by Purchasing Office.

General criteria for designator assignments are included in § 25–103 of this title. The lowest Surveillance Criticality Designator consistent with Government requirements shall be assigned. The increased flexibility provided to the Defense Supply Centers (DSCs) in the assignment of Surveillance Criticality Designators is not to be misused. Misuse will create an overall degradation of the production support provided rather than an improvement.

§ 1225.103–50 Criticality Designator "A".

Criteria for Contracts/Purchase Orders in support of a Department of Defense (DoD) or Military Service Directed Critical Program.

(a) Items in direct support of the DoD Master Urgency List (MUL), DX rated contracts (BRICK–BAT 01).

(b) Items or programs designated critical by Departmental Headquarters or HQ DSA.

(c) Items in support of programs designated in writing as critical by DSC Commander.

Subpart B—Production Reporting

§ 1225.202 Production progress reporting by contractors.

The requirement for Production Progress Reports (DD Form 375) will be limited to the following and then only when circumstances make such reporting appropriate:

(a) Items required to satisfy requisitions bearing UMMIPS priority 01 through 06.

(b) Items that have been designated by the DSC Commanders as being in a critical supply position.

(c) Items on the DoD, Military Service, or DSA critical list.

(d) Items in direct support of the DoD MUL categories.

(e) Items which require Material Readiness Studies under DSAR 4140.3.

(f) Contractors on the Military Services Contractor Experience Lists.

(g) When requested by the DoD Project Manager.

PART 1250—SUPPLEMENTAL PROCEDURES

Subpart A—Sale, Loan, Gift of Property

Sec.
1250.101 Sale, loan or gift of certain property (10 U.S.C. 4506).

Subpart B—Foreign Procurement Programs

1250.200 Scope of part.
1250.201 Procurement services for the Federal Republic of Germany.
1250.201–1 Cooperative U.S.-FRG logistics systems.
1250.201–2 Definitions.
1250.201–3 Policies.
1250.201–4 Responsibilities.
1250.202 Competitive procurement from Norwegian sources.
1250.202–1 Policy.
1250.202–2 Identification of appropriate items.
1250.202–3 Procurement Procedures.
1250.202–4 Reports (RCS: DSA (Q)1203).
1250.203 Competitive procurement from Australian sources.
1250.203–1 Policy.
1250.203–2 Procedures for competitive procurement from Australian sources.
1250.203–3 Reports (RCS: DSA (SA)1593 (P)).

Subpart C—Training

1250.301 Training of procurement personnel.
1250.301–1 General.
1250.301–2 Policy.
1250.301–3 Small Purchase Orientation Course for "New" buying personnel (44 hours).
1250.302 Attendance of civilian contractor personnel at Defense management courses.
1250.302–1 General.
1250.302–2 Policy.
1250.302–3 Administration.

Subpart D—Selection of Contracts To Be Terminated

FOR CONVENIENCE IN EVENT OF UNEXPECTED DECELERATION IN MILITARY REQUIREMENTS

1250.401 General.
1250.402 Policy.
1250.403 Priority of termination type.
1250.404 Responsibilities.
1250.405 Complete and partial terminations.
1250.406 Procedures.
1250.406–1 Operational procedures.

Subpart E—Recovery and Utilization of Precious Metals (Silver, Gold, Platinum, Palladium) From Scrap Materials

1250.501 General.
1250.502 Policy.
1250.503 Responsibilities.
1250.504 Procedures.

Subpart F—Contract Review Checklist

1250.601 General.
1250.602 Contract review checklist.

Subpart G—The DSA Master Solicitation Program

1250.701 General.
1250.703 Scope.
1250.703 Definitions.
1250.704 Format.
1250.705 Policy.
1250.705–1 The master solicitation.
1250.705–2 The individually numbered solicitations.
1250.706 Incorporated by reference.

Sec.
1250.706–1 Incorporation of ASPR provisions.
1250.706–2 Incorporation of standard forms 32 and 33A.
1250.707 Termination for convenience clause.
1250.708 Distribution.
1250.708–1 Copies to DCAS.
1250.708–2 Copies to suppliers.
1250.708–3 Copies to GAO.

AUTHORITY: The provisions of this Part 1250 issued under 5 U.S.C. 301; 10 U.S.C. 125, 133, 2202, 2301–2314; DoD Directive 5105.22, Dec. 9, 1965.

Subpart H—Sale, Loan, Gift of Property

§ 1250.101 Sale, loan or gift of certain property (10 U.S.C. 4506).

(a) The HPAs and their authorized designees are authorized to sell, give, or lend drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished, to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for use under approved production plans, whenever they determine that such action is necessary in the interest of national defense.

(b) Such drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished shall be sold, given or loaned by appropriate written agreement, reciting the above determination (10 U.S.C. 4506).

(c) The foregoing determination and requirement for a written agreement will not be mandatory in the case of invitations for bids and requests for proposals. Drawings, specifications and data furnished need not be returned unless otherwise directed by the contracting officer.

(1) The determination to request the return of such specifications, drawings, or any other data furnished the contracting officer, should take into consideration the following factors:

(i) The current or probably future need of the Government for the items.

(ii) The residual value of such items.

(iii) Administrative and other expenses incident to handling and storage of such items.

(iv) The probable cost of reproduction of such items in event of future procurement.

(2) Classified material as a general rule will be required to be returned regardless of the criteria established above.

Subpart B—Foreign Procurement Programs

§ 1250.200 Scope of part.

This part includes policies and procedures for (a) procurement services for nonstandard military items to be provided by DSA to the Government of the Federal Republic of Germany (FRG); (b) competitive procurement from Norwegian sources; and (c) competitive procurement from Australian sources.

§ 1250.201 Procurement services for the FRG.

§ 1250.201–1 Cooperative U.S.-FRG logistics systems.

Based on principles expressed in Mutual Defense Assistance Agreements between the USA and the FRG of 8 October 1956, and 24 November 1961 TIAS 4903, the U.S. Government has agreed to provide procurement services to the FRG. These services involve the purchase of certain articles and services which are not standard military items but are directly related to or essential for the operational capability of the Armed Forces of the FRG.

§ 1250.201–2 Definitions.

(a) *Nonstandard Item.* The Military Services will make the determination of whether an item is nonstandard. However, in cases where the determination has not been made and where the item has not previously been purchased as a standard item, the determination of whether the item is standard or nonstandard will be made by Plans and Operations Branch, Procurement Division, Directorate of Procurement and Production, HQ DSA, (DSAH–PPP).

(b) *Procurement Services.* The Purchase, inspection, processing, financing, and delivery of nonstandard items to the FRG.

§ 1250.201–3 Policies.

The furnishing of procurement services for nonstandard military items will be provided the FRG by DSCs according to the following policies:

(a) Contract clauses and procedures will be in accordance with the Armed Services Procurement Regulation (ASPR). In no event will contracts be awarded at other than prices which are determined to be reasonable.

(b) Items not covered by U.S. Government specifications will be procured according to manufacturers' specifications and warranties, unless the FRG requests other specifications, qualifications, and warranties. If the specifications and warranties of the manufacturer are considered inadequate for procurement purposes, such specifications and warranties may be adequately supplemented by the U.S. Government after consultation with FRG.

§ 1250.201–4 Responsibilities.

(a) The DSC's will render prompt procurement services to the FRG for nonstandard items essential for the operational capability of the Armed Forces of the FRG.

(b) The questions or problems that cannot be resolved will be referred to HQ DSA, ATTN: DSAH–PPP.

§ 1250.202 Competitive procurement from Norwegian sources.

§ 1250.202–1 Policy.

(a) The United States and Norway concluded a Memorandum of Understanding (MOU) Relating to the Procurement of Defense Articles and Services on 27 February 1968. As a result, the DoD agreed to search out and select items of defense equipment and supplies that appear to be competitively obtainable from Norwegian sources and to invite competitive bids for proposals from Norwegian sources for such selected items. Resultant competitive bids and proposals will be evaluated without imposing any differential under the Buy American Act (BAA) or the DoD Balance of Payments Program (BOPP) so that Norwegian firms may compete for such items on a basis of equality with United States firms or other foreign firms which might be eligible for contract awards. The MOU provides that procurement of Norwegian items will be subject to two basic conditions: (1) that the items fully satisfy DOD requirements for performance, quality and delivery; and (2) that the items cost DOD no more than would comparable U.S. items or other foreign items eligible for award. However, "across-the-board" exceptions from the BAA and BOPP restrictions on non-U.S. procurements are not intended. Rather, case-by-case exceptions will be authorized so that procurements of Norwegian items will be in consonance with the terms of the MOU.

(b) In order to implement the provisions of the MOU, each DSC will establish a program for:

(1) Identifying items having an apparent potential for Norwegian competition;

(2) Transmitting lists of such items to DSAH–PPP for verification of possible Norwegian contractor interest and designation of likely Norwegian sources;

(3) Upon receipt of such verification and designation, soliciting bids or proposals from such Norwegian sources (along with other sources normally solicited); and

(4) If the low acceptable resulting bid or proposal (exclusive of any U.S. import duties) is from a Norwegian source, requesting an exception from the BAA or BOPP as appropriate.

(c) To ensure that this program is effective, each DSC will designate a Contact Point for Competitive Procurement from Norwegian/Sources, who shall be responsible for monitoring the program. These Contcat Points must be conversant with the policy of selective competitive procurement from Norweigian sources in the event that they are contacted by Norweigian officials or prospective Norwegian contractors. In addition, each Contact Point shall keep DSAH–PPP advised of the current status of the program and shall furnish reports as required. Timeliness in this respect is extremely important. For the purpose of rendering such reports, RCS: DD–DSA(Q) 1203 is established.

§ 1250.202–2 Identification of appropriate items.

(a) Each DSC shall prepare a List of Items for Competitive Procurement from Norwegian Sources. The list will include

all items of defense equipment and supplies (including requirements for modification or overhaul of equipment) to be procured as to which there is reason to believe that Norwegian sources may be able to compete with United States sources and other foreign sources eligible for award in respect to price, quality, performance, and delivery; except that items need not be included if their estimated procurement obligations in the next twelve months do not exceed $500,000. (This lower limit applicable to the U.S. search for requirements potentially procurable from Norwegian sources does not preclude consideration and acceptance of Norwegian proposals of items at lower value.) No U.S. sole source item which could become a Norway sole source should be included. Each DSC will have a contact point for competitive procurement from Norwegian sources, which shall be responsible for assembling and maintaining its list. Each list will be updated by 1 July, and quarterly thereafter. Inputs to the Lists will be made as soon as possible after definite requirements which will be centrally procured are identified. Lists should be supplemented without waiting for quarterly updating whenever such action will materially augment the potential for competitive procurement from Norwegian sources.

(b) Recommendations to DSAH-PPP for inclusion of items on each list shall include the following information to the extent that it is known or readily available.

(1) Description of each item in sufficient detail to permit a Norwegian tentative judgment as to the capability of Norwegian sources to compete for the procurement;

(2) Estimated quantity and probable dollar value of procurement obligations for each item during the next twelve months;

(3) Estimated solicitation date or dates;

(4) Reasons for believing Norwegian sources may be able to compete, including identification of likely Norwegian sources; and

(5) The security classification of the procurement.

(c) Each contract point will assure that recommended items are screened to eliminate items that cannot be disclosed under the National Disclosure Policy and items whose procurement from foreign sources is prohibited by law (e.g., food, clothing, cotton, and wool within the prescription of section VI, part 3 of this title).

(d) Upon completion of each initial list, and thereafter upon each updating and supplement, DSAH-PPP will, after review and consultation with the Defense Security Assistance Agency, transmit its list to the Norwegian Government for review and elimination of any items in which there is insufficient Norwegian interest or capability. DSAH-PPP will then advise the appropriate DSC that they should solicit Norwegian sources for items remaining on the list.

§ 1250.202-3 Procurement procedures.

(a) Except as provided below, for items on each list, procurements will be conducted in accordance with ASPR and normal procurement procedures. Norwegian sources will be treated in the same way as U.S. sources in respect to requests for technical information, inviting demonstration, consulting in regard to technical specifications, § 2-205.1 of this title requirements for inclusion on bidders' lists, etc. The normal criteria for making small business and labor surplus area set-asides are to be utilized without regard to the fact that the item to be procured is on the Norwegian list.

(b) For classified procurements, solicitations for Norwegian sources will be transmitted by the contracting officer or his designee directly to HQ DSA, ATTN: DSAH-PPP. DSAH-PPP will see to it that the solicitation is promptly reviewed for security and releasability under the National Disclosure Policy and, if cleared, will forward it through U.S./Norwegian Government channels to the Norwegian sources. The Norwegian Government will return any resulting bids or proposals directly to the contracting officer.

(c) Each solicitation for an item on a list shall prominently include the following Notice:

Notice of Potential Norwegian Source Competition (DSA Apr. 1972)

Bids or proposals for this procurement are being solicited from sources in Norway. If a bid or proposal would be acceptable from the standpoint of price and other factors, but for the contract clause entitled "Buy American Act," if that bid or proposal offers end products manufactured in Norway or the United States, and if the cost of the components thereof which are mined, produced, or manufactured in Norway, the United States, or Canada exceeds fifty percent (50%) of the cost of all the components thereof, then determination as to whether it would be in the public interest to except the end product from the restrictions of the Buy American Act shall be made.

In the case of procurements for use outside the United States which are subject to section VI, subpart H, of this title, the foregoing Notice will be appropriately modified.

(d) Each contract for an item on a list shall include the following clause, unless it is clear that no Norwegian end product will be imported into the United States in connection with the performance of the contract.

DUTY-FREE ENTRY—NORWEGIAN END PRODUCTS (DSA SEP 1975)

(a) For the purpose of this clause, "Norwegian end products" means an unmanufactured end product mined or produced in Norway, or an end product manufactured in Norway if the cost of its components which are mined, produced, or manufactured in Norway, the United States, or Canada exceeds 50 percent (50%) of the cost of all its components.

(b) Except as otherwise approved by the contracting officer, no amount is or will be included in the contract price on account of duty with respect to all end items which constitute "Norwegian end products" to be delivered under this contract, except items imported into the United States prior to the date of this contract.

(c) The contractor warrants that all such Norwegian end products, for which such duty-free entry is to be claimed, are intended to be delivered to the Government under this contract, and that duty shall be paid by the contractor to the extent that such items or any portion thereof (if not scrap or salvage) are diverted to nongovernmental use other than as a result of a competitive sale made, directed or authorized by the contracting officer.

(d) The Government agrees to execute duty-free entry certificates and to afford such assistance as appropriate in order to obtain the duty-free entry of Norwegian end products as to which the shipping documents bear the notation specified in subparagraph (e) of this paragraph, except as the contractor may otherwise agree.

(e) All shipping documents submitted to U.S. Customs Service, covering such Norwegian end products for which duty-free is to be claimed, shall bear the following information:

(1) Government prime contract number;

(2) identification of carrier;

(3) the notation: "UNITED STATES DEPARTMENT OF DEFENSE—DUTY-FREE ENTRY TO BE CLAIMED pursuant to Schedule 8, Part 3, Item No. 832.00, Tariff Schedules of the United States. Upon arrival of shipment at port of entry, District Director, U.S. Customs Service, kindly release shipment under section 8.59CR and notify the appropriate DCASR for execution of Customs Forms 7501 and 7501A and the Duty-Free Entry Certificate";

(4) gross weight in pounds (if freight is based on space tonnage, state cubic feet in addition to gross shipping weight); and

(5) estimated value in United States dollars.

(f) The contractor agrees to prepare or have prepared a sufficient number of copies of the bill of lading (or other shipping document) so that at least two of the copies accompanying the shipment will be available for use by the District Director, U.S. Customs Service, at the port of entry and to forward or have forwarded at the time of shipment, a memorandum copy of the bill of lading (or other shipping document) to the designated Government representative.

(e) As soon as it is determined that a bid or proposal involving Norwegian end products or components would be accepted but for the Buy American or Balance of Payments Program restrictions, as contemplated in the Notice in (c), the contracting officer shall prepare a statement of the facts of the matter in sufficient detail to permit judgment as to whether an exception from the Buy American or Balance of Payments restrictions should be authorized. The approval level on proposed awards not in excess of $10,000 is the Procuring Contracting Officer. On proposed awards over $10,000 and not in excess of $100,000 the HPA is the approval level. All proposed awards over $100,000 shall be referred to HQ DSA, ATTN: DSAH-PPP, for approval or further processing to the Secretary of Defense level.

§ 1250.202-4 Reports (RCS: DD-DSA (Q)1203.

Each contact point will submit a quarterly report to HQ DSA, ATTN: DSAH-

PPP within 20 days after the close of the quarter. This report will include:

(a) The items and value of potential Norwegian procurement for which solicitations are about to be released;

(b) The items and value of potential Norwegian procurement for which solicitations have been released;

(c) The items and value of procurement for which Buy American or Balance of Payments Program waivers have been requested and approved;

(d) The items and value of each contract placed with Norwegian sources;

(e) The estimated schedule by quarter of dollar payments to be made against such contracts; and

(f) The cumulative value of Norwegian contracts placed under this program.

§ 1250.203 Competitive procurement from Australian sources.

§ 1250.203–1 Policy.

The Department of Defense has agreed to work closely with the Australian Government for the purpose of identifying opportunities for Australian suppliers to participate more effectively in competition for United States defense procurement. This is to help offset Australian procurements of military material from the United States. Below is a statement of understanding which delineates the purpose and objectives of the above liaison arrangement.

UNITED STATES/AUSTRALIA LIAISON ARRANGEMENTS ON DEFENSE PROCUREMENT

During a 28 August 1968 meeting with Minister of Defense Allen Fairhall, Defense Secretary Clark Clifford agreed to the establishment of a system of liaison between the Australian Department of Defence and the U.S. Department of Defense for the periodic discussion of matters pertaining to U.S. defense procurements in Australia. The formalization of this agreement was implemented by a series of semiannual conferences, the first of which occurred in October 1968. The purpose of these conferences is to explore ways and means to increase opportunities for Australia to participate competitively in U.S. DOD procurements. During an April 1969 visit with Secretary Laird, Prime Minister John Gorton reaffirmed his Government's wish that the liaison arrangement continue as the logical mechanism for strengthening Australia's technological base and defense production capability as well as for developing more procurement reciprocity on the part of the U.S. in view of Australia's large volume of military orders in the U.S. The U.S. Department of Defense recognizes the desire of the Government of Australia to increase its participation in U.S. defense procurement. It is agreed that such undertakings are to be considered on a case-by-case basis with the initiative to be taken by Australia. Where appropriate, the U.S. Department of Defense will endeavor to facilitate such transactions, on a commercial basis, including possible transactions between Australian and U.S. firms. To assist Australia in these undertakings, the U.S. Department of Defense will continue its efforts:

(a) To seek selected areas in which Australian suppliers are capable of competing for DOD orders;

(b) To endorse U.S. prime contractors solicitation of competitive bids from Australian industry; and

(c) To remove procedural difficulties in Australian competition for U.S. defense procurement.

Additionally, it is in the interests of both countries to continue to explore U.S. procurement opportunities and logistical support activities—particularly in Southeast Asia—which may offer expanded opportunities for Australian firms to participate in programs of mutual interest and benefit to both countries. It is agreed that our efforts will be devoted toward accomplishing the foregoing objectives.

Roy W. Davies, First Assistant Secretary, (Planning and Procurement), Australian Department of Supply. Date: 3 Aug. 1970.

Glenn V. Gibson, Deputy Assistant Secretary, (Installations and Logistics), U.S. Department of Defense. Date: 3 Aug. 1970.

The DOD objective in this matter, as expressed in the above statement of understanding, indicates that selective waivers will be made of the Buy American Act restrictions where Australian suppliers submit the low bid. § 6–103.3 of this title provides authority for the Military Services and DSA to determine that the restrictions of the Buy American Act do not apply where the acquisition of a domestic source end product would be inconsistent with the public interest. The statement of understanding is sufficient pronouncement of DOD policy for HG DSA to exercise the authority in § 6–103.3 of this title. Therefore, referral of potential contract awards to a low competitive Australian source for Determination by the Secretary of Defense under the Buy American Act and its implementing provisions is not required and will in the future be referred to HQ DSA, ATTN: DSAH–PPR. Pursuant to the above, where Australian suppliers are being solicited the solicitation document should provide a notice to the effect that foreign sources are being solicited, and it may be determined by DSA to waive the BUY American Act restrictions.

§ 1250.203–2 Procedures for competitive procurement from Australian sources.

(a) Two bid/offer packages of each applicable solicitation, containing the necessary specifications and/or drawings, should be sent to:

Chief, U.S. DOD Procurement Information Office, c/o Department of Supply, Constitution Avenue, Canberra, Australia 2600.

By letter, DSAH–PPP, 17 April 1969, subject: United States/DOD procurement from Australia, a brochure, entitled "Selected Australian Companies with the Capability to Supply Certain U.S. Defense Procurement Needs," was sent to each Center. This brochure should assist in the selection of solicitations appropriate for Australian competition. In order to reduce administrative costs, solicitations with an estimated value of $50,000 or less, need not be forwarded to Australia. However, the Centers should use judgment in applying this limitation. For example, if a firm such as Nylex Limited, has requested to be placed on a bidders' mailing list, it could be sent all solicitations for $10,000 or over. A minimum of 30 days bidding/offering time and telegraphic replies should be permitted. Care should be exercised not to forward solicitations upon which Australians cannot properly compete, e.g., items protected by the Berry Amendment to the DOD Appropriations Act. In all cases of a solicitation being sent to an Australian firm, a copy should be sent to the Procurement Information Office (PIO). Our objective is, on a highly selective basis, to choose a limited number of solicitations where there is a reasonable expectation that Australia can be competitive.

(b) Copies of all Long-Range Procurement Forecasts should be sent to the PIO in Australia as soon as they are issued. Additionally, one copy should be sent to:

Embassy of Australia, ATTN: Commercial Counsellor, 1601 Massachusetts Avenue, NW., Washington, D.C. 20036.

(c) The PIO will assist the Centers if, in the event of contract award to an Australian firm, additional information or services are required. Information concerning Qualified Products has been sent to the PIO and they will assist any Australian firm in getting its product on the Qualified Products List.

§ 1250.203–3 Reports (RCS: DSA(SA) 1593(P)).

(a) As a result of the liaison agreement between Australia and the United States, there have been a series of meetings, generally occurring in May and October, to discuss the progress and any problems which have occurred. To prepare for these meetings, request that each Center supply the following information concerning solicitations sent to Australian firms:

(1) The number of solicitations sent to Australia (including U.S. representatives or dealers);

(2) The item and estimated dollar value;

(3) The date of issue, the date of actual mailing, and the opening/closing date;

(4) Contract awards (item, date, amount, and company);

(5) The firms which requested to be placed on bidders' mailing lists and the item;

(6) Whether the bid was sent to a contractor or the PIO; and

(7) The number of days each solicitation was extended due to its being sent to Australia.

(b) The above information should be submitted twice a year, by 30 April and 10 October, with cut off dates of 31 March and 15 September. The following reports control symbol has been established for this report: RCS:DSA(SA) 1593(P).

Subpart C—Training

§ 1250.301 Training of procurement personnel.

§ 1250.301–1 General.

DOD Manual 1430.10–M–1 is very specific as to the training required for people working in the procurement career field. Every effort must be made to follow the concepts outlined in this manual. This will help assure the availability of a trained work force and will allow for

normal job progression in this important function.

§ 1250.301–2 Policy.

In addition to providing adequate training at Service sponsored schools, all newly employed professional personnel in the procurement and production area (i.e., buyers) will be given a minimum of about forty-four hours orientation in Small Purchases. All new buyers shall be required to read the ASPR Small Purchase Manual (ASPM No. 2) prior to beginning Phase I of the orientation course. See § 1250–301.3 for proposed course outline. This instruction should include clear guidance on the necessity for making buys at reasonable prices. This orientation course will be conducted in two phases. Phase I will be completed before any work assignments are made. Phase II will be given four to six weeks later. This will permit new employees to have a better grasp of the actual duties to be performed. In addition to the new buying personnel, any persons currently assigned to buying tasks, who have not had formal procurement training, will also be given this orientation. For these people, only Phase II may be required.

§ 1250.301–3 Small purchase orientation course for "new" buying personnel (44 hours).

PHASE I

AGENDA:	TIME (hours)
1. Organization: a. DOD, b. DSA, c. DSC	1
2. Ethics and Standards of Conduct	1
3. Basic Procurement Policies/Statutes: a. Delegation of Authority, b. Contracting Officers	2
4. ASPR Section III, Part 6: a. Competition, b. Purchase Orders, c. Imprest Funds, d. BPAs, e. Fast Pay, f. Unpriced Orders	2
5. Standard Automated Material Management System (SAMMS):	
a. General SAMMS Orientation	5.
b. Automated Small Purchase Procedures, ASPS Phase I	1
c. Award Input Procedures	1
d. SAMMS Reports & Output Products Affecting Small Purchase Operation	1
e. SAMMS Modification to Small Purchase Awards	.5
6. Local Procurement Forms: a. How to prepare, b. When to use, c. Records-Documentation	4
7. Sources of Supply-General	2
8. Soliciting and Evaluating Quotes	2
9. Cost and Price Analysis Techniques: a. Catalogs, b. Price Reasonableness	4
10. Adequacy of Purchase Request: a. Technical Data, b. Priorities, c. Quantities Required	2
Phase I—Total	24

PHASE II

Agenda	Time (hours)
1. Administration of Small Purchases: a. Change Orders, b. Terminations	2
2. Sources of Supply: a. Federal Supply Schedules, b. Federal Prison Industries, c. Industries for Blind	1
3. ASPR Section III, Part 6	4
4. Cost and Price Analysis Price Reasonableness	4
5. Orientation by Technical Operations: a. Technical Data, b. Specifications	4
6. Local Procurement Forms	1
7. Review Overall Orientation: (As Required)	4
Phase II–total	20

§ 1250.302 Attendance of civilian contractor personnel at defense management courses.

§ 1250.302–1 General.

Employees of private organizations performing on contracts with the Defense Supply Agency are authorized to attend Defense Management Courses when it is certified that a valid requirement exists for the training. Such courses are contained in the Defense Management Education and Training Catalog (DOD 5010.16–C).

§ 1250.302–2 Policy.

Attendance of civilian contractor personnel at Defense Management Courses will be considered only when the HPA finds in writing that such attendance is in the best interest of the Government. The finding must demonstrate the relationship between the requested training and the successful performance of the DSA contract(s) reviewed. Also, a determination as to whether the cost of the training should be borne by the employer or the Government shall be made by the HPA. This determination will be based upon whether the course is primarily advantageous to the Government or to the contractor. Requests for quota will be processed as prescribed in DSAR 1430.10.

§ 1250.302–3 Administration.

Details related to administration of the Defense Management Education and Training Program are contained in DOD 5010.16–C.

Subpart D—Selection of Contracts To Be Terminated for Convenience in Event of Unexpected Deceleration in Military Requirements

§ 1250.401 General.

(a) *References*—

(1) ASPR, Section I, Part 4.

(2) ASPR, Section VIII.

(3) ASPR, Section XXIV.

(4) DSAM 8110.1, February 1969, Termination Manual for Contract Administration Services.

(5) DSAM 8130.1, April 1969, Contractor Inventory Management Manual.

§ 1250.402 Policy.

Terminations for convenience will be based on individual decisions resulting from a comparison of costs for termination and excess position of items versus the need for release of obligated funds for higher priority use.

§ 1250.403 Priority of termination type.

A termination for default gives the Government certain rights that should be surrendered only when this is to the Government's best interest. Whenever unsatisfactory performance occurs, the possibility of terminating for default should be examined; this should be done before considering other means of ending the contract.

§ 1250.404 Responsibilities.

The decision to terminate a contract for the convenience of the Government is the joint responsibility of the commodity manager and the PCO at the cognizant DSC. In those cases where the contract resulted from a MIPR, the decision to terminate for convenience is the responsibility of the MIPR initiator; however, the PCO upon request must inform the initiator of all elements which have any bearing on the status of the contract.

§ 1250.405 Complete and partial terminations.

Terminations may be complete or partial. A complete termination requires the contractor to stop all work under the contract upon receipt of the Notice of Termination or on the date specified in the Notice. A partial termination discontinues only a portion of the uncompleted work under a contract. (The part of the work that the contractor must continue to perform is called the continued portion. The part of the contract that has been completed and accepted before the effective date of the termination is called the completed portion. The terminated portion of the contract is any part that does not relate to either the completed or the continued work.)

§ 1250.406 Procedures.

Upon receipt of a request for a cutback in contract quantities from the cognizant commodity manager, the following information will be utilized in selecting the contracts for termination:

(a) Ascertain all current contracts for items involved.

(1) Determine the undelivered portion of each contract.

(2) Consider suppliers in transit (F.O.B. destination contract) as deliveries, unless contract is deliquent and a notice to terminate for default has been sent to the contractor.

(3) Determine what deliveries, if any, are delinquent.

(4) Determine whether the delinquency is excusable or inexcusable.

(5) Contractual quantities scheduled for direct delivery to users are not subject to termination action unless specifically so designated.

(b) If delinquency is considered inexcusable, terminate for default where appropriate.

(c) Where Termination for Default is not appropriate or where additional quantities remain to be cut back after Termination for Default, proceed in the selection of contracts to be terminated for convenience.

(1) First Choice should be where contractors are agreeable to total or partial termination (voluntary or no cost settlement).

(2) Consider the following factors:

(i) Contracts involving contractors' commercial item.

(ii) Contracts awarded as rated orders [§ 1-307.3 of this title].

(iii) Contracts for mandatory procurement [section V of this title].

(iv) Contracts most recently awarded and those providing for longest production lead time where production has not progressed to an appreciable degree.

(v) Contracts awarded at the highest price and work down price-wise.

(vi) Partial termination of all contracts where two or more contractors are involved in lieu of total termination of a few.

(d) The dollar amount of potential settlement claims should be estimated with the assistance of DCAS. Consider:

(i) Unit price of undelivered items.

(ii) Raw material on hand and/or on order.

(iii) Components on hand or on order.

(iv) Work in process.

(v) Unamortized start up costs.

(vi) Percentage of completion.

(vii) Current commercial value and saleability of the item involved.

(viii) Disposal actions required taking into consideration recoupment through sales of items to be disposed.

§ 1250.406–1 Operational procedures.

(a) The Directorate of Supply Operations or the MIPR initiator will advise Procurement and Production to cancel an item by quantities and consignee. The Directorate of Supply Operations or the MIPR initiator will be required to indicate all open purchase requests and/or contracts when requesting information upon which to base a termination decision or when requesting cancellation by item and consignee.

(b) Procurement and Production, using procedures in § 1250.406 will determine what portion of each open contract (or contracts) should be terminated.

(c) If Procurement and Production decision indicates that Supply Operations original request should be revised, decision will be coordinated with Supply Operations. The final authority for deciding whether or not to terminate, when substantial claims are involved, is the Center Commander.

(d) Upon completion of above actions, Procurement and Production will issue the Termination Notice with a copy to DCAS for termination settlement action.

Subpart E—Recovery and Utilization of Precious Metals (Silver, Gold, Platinum, Palladium) From Scrap Materials

§ 1250.501 General.

The critical shortage of precious metals from United States sources, the large amount of precious metals required in the manufacture of items for Defense, and the need to reduce procurement costs of material with precious metal content dictated the need for DOD to establish and monitor a program to (a) reclaim precious metals from precious metal bearing scrap and waste materials, and (b) to utilize reclaimed precious metals as Government Furnished Material (GFM) in procurement of items containing precious metals. This Section implements DoD Directive 4160.22 (as revised) and establishes DoD policy governing the management of the recovery and the use of precious metals derived from precious metals bearing scrap and waste materials generated by all elements of DoD, world-wide. The DSA is assigned the responsibility for managing the overall program and has designated the Defense Property Disposal Service (DPDS) Battle Creek, Michigan, as the activity charged with the responsibility for managing the retrieval and refining of precious metals. DISC has been assigned the supply management function for precious metals.

§ 1250.502 Policy.

(a) All DSA elements generating precious metal bearing scrap and waste materials will establish and monitor an internal program to assure the economical reclamation of precious metals, consistent with the overall DoD policy of effecting maximum use of excess property to meet DoD needs.

(b) Recovered precious metals, after refinement, will be made available to DoD elements for their use as GFM to reduce new procurement costs.

§ 1250.503 Responsibilities.

Commanders of each DSA field activity are responsible for the following:

(a) Reporting precious metal bearing scrap and waste materials to the DPDS Manager for disposition and shipment to destination upon notification by the DPDS Manager.

(b) Using the refined precious metals maintained in storage by the DISC Precious Metals Inventory Manager, as GFM, whenever feasible, for contracts requiring precious metals bearing materials.

§ 1250.504 Procedures.

(a) Prior to soliciting bids for award of contracts requiring precious metals contact the DISC Precious Metals Inventory Manager, DISC-ODC, indicating the item, quantity and grade of precious metal required for the procurement. The precious metals are identified as follows:

NSN	Nomenclature	Unit of issue
9660-00-042-7768	Platinum	Troy ounce.
9660-00-042-7733	Gold	Do.
9660-00-042-7765	Palladium	Do.
9660-00-106-9432	Silver	Do.

If the required amount is available, forward a letter or TWX to DISC-ODC, requesting that the required quantity be reserved to cover the procurement including the estimated delivery schedule.

(b) When a contract is awarded, MILSTRIP requisitioning procedures are to be used to obtain the necessary supplies. A MILSTRIP requisition should be forwarded to DISC-ODC who will make the necessary shipping arrangements.

Subpart F—Contract Review Checklist

§ 1250.601 General.

The following contract review checklist has been developed for use by DSA contracting officers and buyers in their individual contract reviews. The checklist may be modified to suit the needs of the procurement activity.

§ 1250.602 Contract review checklist.

(a) PR/MIPR

(1) In file?

(2) Are amendments approved by appropriate authority and are they attached?

(3) Adequately funded?

(4) Is sole source justification adequate?

(5) Option quantity included?

(b) SB/LSA set-aside determination

(1) Does information provided support the Determination?

(2) Is withdrawal/modification of the initial Set-Aside Determination explained?

(c) Procurement plan

(1) Is information sufficient to support proposed method of procurement? (Advertised-negotiated)

(2) Was advanced procurement plan approved at appropriate level?

(3) Is PALT realistic?

(4) If option proposed, is its use authorized/appropriate?

(5) If nonpersonal services involved, was Determination issued in accordance with ASPR 22-102.4?

(6) If provision for progress payments contemplated, is it appropriate in accordance with ASPR Appendix E?

(d) Bidders list

(1) Is the list excessively long?

(2) Should PIN have been used?

(3) Is list annotated as to "no bids" received?

(4) If history of sole source, are reasons given for soliciting additional firms?

(e) Determination and findings (Negotiation)

(1) Proper format? (ASPR Appendix J)

(2) Option quantity included/value noted?

(3) Proper negotiating authority cited?

(4) Any changes requiring D&F amendment? If so, properly executed?
(5) Required approvals obtained (ASPR 3-210.2(xiii) and (xv))?
(6) Signed and dated?
(f) Synopsis
(1) Evidence in file?
(2) No synopsis; justification adequate?
(g) Solicitation—IFB/RFP
(1) Was solicitation issued in a timely manner?
(2) Do solicitation provisions reflect PR MIPR requirements?
(3) If oral solicitation, approved at appropriate level?
(4) Bidding time/RFP response time adequate?
(5) Format in accordance with ASPR 2-201(IFB) or 3-501(RFP)?
(6) Were amendments sent to all originally solicited?
(7) Were amendments properly dated?
(8) Are contract clauses and provisions current/complete?
(9) Was cost or pricing data (DD Form 633) requested in the initial solicitation?
(10) Was DD Form 633-7 requested in initial solicitation?
(11) If cost or pricing data was, or was not requested, does the file include an explanation? (ASPR 3-811(a))
(h) Evaluation
(1) Abstract of bids/proposals
(i) Signed and dated?
(ii) All bids offers entered properly?
(iii) Exceptions noted?
(2) Nonresponsive determinations checked with Counsel? File documented as to cause?
(3) Disposition of late bids/proposals adequately documented?
(4) Unsuccessful bids/proposals included in the file?
(5) Were unsuccessful offerors notified promptly?
(6) If sole bid/offer received, file documented as to why previous suppliers failed to offer?
(7) If small business determined to be nonresponsive, was COC obtained? If not, why not?
(8) Packaging/transportation/freight/rate data obtained and determined to be adequate?
(9) If DD Form 633-7 submitted, is it complete and does it support commerciality? (quantities comparable?)
(10) If cost or pricing data (DD Form 633) submitted, was it reviewed by the cost/price analysis element and was it found to be acceptable?
(11) Was field pricing support obtained (DCAA audit; DCAS pricing/technical report)? If not, was waiver executed?
(12) Was independent price analysis performed by the cost/price analysis element? If not, was waiver executed? (DSAR 4105.10)
(13) Were auditor's recommendations accepted?
(14) Was WGL analysis prepared?
(15) Were realistic negotiation objectives established?
(16) Was pre-negotiation briefing presented to appropriate authority before commencement of negotiations?
(17) Does pre-negotiation briefing memorandum clearly establish basis for negotiating position and does it include all of the required elements? (DSPR 3-805)
(18) Was basis for decision to negotiate, or decision to accept the initial without discussion, documented?
(19) Is pre-negotiation briefing memorandum signed and dated?
(i) Negotiations
(1) Were negotiations conducted with all responsible offerors within a competitive range?
(2) If substantial changes occurred in requirements, were all prospective contractors notified and was an amendment to the solicitation issued?
(3) If change in requirements deemed nonsubstantial, file documented as to reasons?
(4) Were acknowledgments of changed requirements confirmed in writing by offerors?
(5) If negotiation objectives were changed or exceeded, was pre-negotiation briefing authority notified?
(6) Were negotiations conducted on an individual cost element basis?
(7) Was option quantity considered in negotiations?
(8) Was rent-free use of Government property considered in the negotiations?
(9) Was authority obtained for rent-free use from cognizant ACO?
(10) Was common cut-off date for negotiations established with all offerors?
(11) Was Certificate of Current Cost or Pricing Data obtained? If so, does it reflect date of contractor's last data submission/final agreement as to price?
(12) Does PNM format conform with DSPR 3-811?
(13) Does the PNM clearly and conclusively support price reasonableness determination and is statement of same included in the PNM?
(14) Is the PNM signed and dated?
(15) If award is proposed on the basis of "best price obtainable" was the concurrence of the Center Commander/Deputy Commander obtained? (DSPR 3-801.2)
(j) Other support Data—
(1) Was pre-award survey conducted?
(2) If no pre-award survey, was waiver executed by appropriate authority? (DSPR 1-905.4)
(3) Were requirements revalidated in accordance with DSPR 1-452.11?
(4) If $1,000,000 or more, was EEO Clearance Report obtained?
(5) Is individual Procurement Action Report (DD Form 350) in file and is it in accordance with ASPR and DSPR Sections XXI?
(6) Is Statement and Certificate of Award (SF 1036) in file and IAW ASPR 2-407.7?
(7) If royalty payments involved, DSAH-G concur?
(8) In contract subject to Cost Accounting Standards, have requirements of ASPR 3-501(b) Sec. B (xvi) & 7-104.83 been satisfied?
(k) Contract
(1) Was proper award document utilized (SF 26-SF 33)?
(2) Does the contract agree in all respects with contractor's bid/proposal?
(3) If single signature document, does it reflect contractor's letter/TWX amendments?
(4) Is contract being awarded within bid/proposal acceptance period?
(5) Is arithmetic correct? (extensions and total)

Subpart G—The DSA Master Solicitation Program

§ 1250.701 General.

In most purchasing offices, solicitations have been constructed to show all the requirements, terms, and conditions involved in one package, which was then sent to potential suppliers. When many thousands of purchases were made, the repetitive preparation and issuance of the millions of sheets of paper which made up the solicitations became significant not only to purchasing offices, but also to contractors who had to receive, consider, and respond to these solicitations. The Master Solicitation Program was developed in an effort to reduce the paperwork flowing between DSA buying offices and potential suppliers, to simplify solicitation and award documents, and to achieve time and dollar savings for DSA and industry. Authority for the Program is ASPR Deviation No. 73-1, granted on 16 June 1972 by the ASPR Committee. It pertains to § 2-200, 3-501, and 16-101.2 of this title and extends through 30 June 1977.

[FR Doc.76-5577 Filed 2-26-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[76-148]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Amendment Relating to Merger Applications

FEBRUARY 25, 1976.

The Federal Home Loan Bank Board considers it desirable to amend Part 546 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 546) by adding a new paragraph (g) to § 546.2 thereof. Notice of the proposed amendment was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28640-41) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend Part 546 as proposed, except that the basis for computing the five percent net worth ratio for both of the merging institutions is now indicated.

The amendment delegates authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board, to approve certain merger applications where, because of the size of the merging associations and portion of the market involved, there would be no significant legal or economic anticompetitive impact.

Accordingly, the Board hereby amends Part 546 by adding a new paragraph (g) to § 546.2 thereof to read as follows, effective April 2, 1976:

§ 546.2 Procedure; effective date.

* * * * *

(g) The approval of the Board (including recommending modifications of the plan of merger) required by paragraph (c) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) The disappearing association, if insured, has assets of less than $10,000,000 and, if uninsured, has assets of less than $5,000,000;

(2) The resulting association would have assets of less than $40,000,000;

(3) The resulting association would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging associations have offices;

(4) The resulting association would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging associations have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing association has a net worth to savings ratio of at least 5 percent;

(6) The resulting association would have an adequate net worth to savings ratio not less than 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director or controlling person of the disappearing association by the resulting association or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater; and

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or $50 per monthly meeting attended, whichever is greater.

(i) If the Principal Supervisory Agent recommends modifications of the plan of merger which are not accepted by the directors of both merging associations, the merger application shall be submitted by the Principal Supervisory Agent to the Board if requested by both merging associations.

(ii) In connection with approval of a merger application under this paragraph (g), the Principal Supervisory Agent may approve the maintenance of an office of the disappearing association as a branch office or other facility, such as a satellite office, mobile facility or agency, of the resulting Federal association. In such connection, the Principal Supervisory Agent may also approve an application for insurance of accounts filed by an uninsured association merging into a Federal association. Disapproval of any merger application shall be made only by the Federal Home Loan Bank Board.

(Sec. 5, 48 Stat. 132 as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-6094 Filed 3-2-76;8:45 am]

SUBCHAPTER D—INSURANCE OF ACCOUNTS

[76-149]

PART 563—OPERATIONS

Amendment Relating to Merger, Consolidation, or Purchase of Bulk Assets by Insured Institutions

FEBRUARY 25, 1976.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR 563) by adding a new paragraph (b) to § 563.22 thereof. Notice of the proposed amendment was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28643-44) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend Part 563 as proposed, except that the basis for computing the five percent net worth ratio for both of the merging institutions is now indicated, and the new paragraph is designated (e) instead of (b) (new paragraphs (b), (c), and (d) having been added to § 563.22 by Board Resolution No. 75-1115 of December 10, 1975 (40 FR 59323-59325).

The amendment delegates authority to the Presidents of the Federal Home Loan Banks, in their capacity as Principal Supervisory Agents of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, to approve certain applications for an increase in accounts of an insurable type as a part of any merger, consolidation or bulk purchase of assets in those instances where, because of the size of the institutions and portion of the market involved, there would be no significant legal or economic anticompetitive impact.

Accordingly, the Board hereby amends Part 563 by adding a new paragraph (e) to § 563.22 thereof to read as follows, effective April 2, 1976:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) The disappearing institution, if insured, has assets of less than $10,000,000 and, if uninsured, has assets of less than $5,000,000;

(2) The resulting institution would have assets of less than $40,000,000;

(3) The resulting institution would hold less than 15 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which both of the merging institutions have offices;

(4) The resulting institution would appear to account for less than 15 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which both of the merging institutions have offices, based on mortgage recording data or such other evidence as is available;

(5) The disappearing institution has a net worth to savings ratio of at least 5 percent;

(6) The resulting institution would have an adequate net worth to savings ratio not less than 5 percent;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or $5,000, whichever is greater; and

(8) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing institution or $50 per monthly meeting attended, whichever is greater.

(i) If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if requested to do so by both institutions. Disapproval of any application shall be made only by the Corporation.

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

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-6093 Filed 3-2-76;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[76-147]

PART 556—STATEMENTS OF POLICY

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

Amendments Relating to Mergers

SUMMARY

I. *Previous Regulations.* The Federal Home Loan Bank Board's general policy on mergers involving Federal associations and insured institutions was set forth in separate statements of policy.

II. *Present Amendments.* The merger policy statement in the Insurance Regulations is revised to set forth the Board's current general policy on mergers involving an insured institution and the Board rescinds as unnecessary the separate merger policy statement in the Federal Regulations.

The Federal Home Loan Bank Board, by Resolution No. 75-1083, dated November 26, 1975, proposed to revise the statement of policy on mergers at § 571.5 of the Rules and Regulations for Insurance of Accounts (12 CFR 571.5) in order to set forth the Board's current general policy on mergers involving any insured institution, and to rescind the separate statement of policy on mergers involving Federal savings and loan associations at § 556.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.2). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on December 11, 1975 (40 F.R. 57690-57692), with an invitation for interested persons to submit comments by January 26, 1976. On the basis of all relevant material presented by interested persons and otherwise available, the Board deems it advisable to adopt the changes as proposed, with the modifications discussed below.

Proposed paragraph (e)(2), providing for full disclosure of agreements under which parties to the merger will receive things of value, is modified to specifically refer to releases of pledges made.

Proposed paragraph (e)(3), pertaining to compensation of officers, is modified to specifically refer to deferred compensation such as readjusted pension plans.

Proposed paragraph (e)(7), prohibiting tie-in transactions wherein an agreement is made pursuant to the merger to lease or purchase property from an officer, director, or controlling person of a disappearing institution, is modified to state that such lease or purchase should be the independent decision of the resulting institution or affiliate.

Proposed paragraph (h), pertaining to non-inducement affidavits, is modified (1) to change "FHLBB Form 291" to read "FHLBB Form 297", (2) to change "officer" to "senior officer" in the list of persons who must provide such affidavits, and (3) to require affidavits of senior management of the resulting institution as well as the disappearing institution (the proposal only applied the requirement to the resulting institution's chief executive officer).

Accordingly, the Board hereby rescinds said § 556.2 and revises § 571.5 to read as set forth below, effective April 2, 1976.

§ 571.5 Mergers.

(a) *General policy.* This is a statement of the Federal Home Loan Bank Board's general policy on merger proposals. It does not ordinarily apply to mergers instituted for supervisory reasons. The term "merger" includes consolidations and bulk purchases of assets in exchange for assumption of savings accounts and other liabilities. Potential merger applicants are encouraged to review proposed mergers with the Supervisory Agent prior to proceeding with the formal application process. Generally, the Board neither encourages nor discourages mergers but regards them as primarily business decisions to be made by the institutions involved.

(b) *Legal considerations*—(1) *General.* The legality of a proposed merger is a precondition to further consideration by the Board. Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), Section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations. To enable the Board to make a legal evaluation of the possible anticompetitive impact of proposed mergers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the Supervisory Agent believes it clear that no antitrust or competitive problem exists, a merger proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

(2) *Acquisitions of insured institutions under section 408 of the National Housing Act.* Section 584.4 of the Regulations for Savings and Loan Holding Companies implements this statutory provision. It requires information as to competitive factors similar to that indicated in paragraph (b)(1) of this section. The regulation also requires information as to additional matters, including details of acquisition, financial and managerial resources, future prospects, and the convenience and needs of the community to be served.

(c) *Economic evaluation*—(1) *Evaluation of impact on competition.* The Board will examine the economic impact of the merger—adverse, neutral, or favorable—on competition. This will be done for each relevant geographical savings and mortgage market and submarket. All savings and mortgage firms reasonably competitive with the business of the merging institutions will be taken into account. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance. Such indices will include, for each relevant savings and mortgage market and submarket: (i) market concentration and ranking of the resulting institution and of other competing institutions; (ii) number and size distribution of competitors; (iii) actual or potential competition significantly curtailed by the merger; (iv) trends toward concentration, especially as a result of mergers; (v) overlap of branch savings submarkets when two or more branch systems are to be consolidated; and (vi) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the merger.

(2) *Other factors.* The Board will examine the extent to which the merger will affect the convenience and needs of the communities to be served in terms of savings facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting institution. Account will be taken of the number of institutions of reasonably efficient size that can be supported by population, savings, and mortgage demand.

(d) *Managerial and financial aspects.* The Board's primary requirement is that the resulting institution have the managerial and financial resources to operate successfully. The experience and the performance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting institution. The overall operations and financial condition will be reviewed to determine the resulting institution's prospects of generating sufficient income to meet competition, making the required transfers to reserves, and conducting its affairs essentially free of supervisory concern. The adequacy of the net worth of the resulting institution, relative to the risks inherent in its assets, and economic and other factors will be considered. Intangible assets will be particularly scrutinized.

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of a merger proposal on the basis of the following criteria:

(1) *Equitable.* The plan should be equitable to all concerned—savings account holders, borrowers, creditors and stockholders (if any) of each institution. The plan should properly recognize and protect their respective legal rights and interests. The plan will be particularly scrutinized for fairness where the merger does not appear to be the result of arms length bargaining or, in the case of a stock institution, where controlling stockholders are receiving different consideration from other stockholders.

(2) *Full disclosure.* The application should make full disclosure of all written or oral agreements or understandings by which any person or company will receive, directly or indirectly, any money, property, service, release of pledges made, or other thing of value, whether tangible or intangible, in connection with the merger.

(3) *Compensation to officers.* Compensation, including deferred compensation, to officers, directors and controlling persons of the disappearing institution by the resulting institution or a service corporation affiliate thereof should not be

in excess of that which is reasonable and commensurate with their duties and responsibilities. The application should fully justify the compensation to be paid to such persons. The plan will be particularly scrutinized where any of such persons is to receive a material increase in compensation above that paid by the disappearing institution prior to the commencement of merger negotiations. An increase in such compensation in excess of the greater of 15% or $5,000 gives rise to presumptions of unreasonability and sale of control. In the case of such an increase, evidence sufficient to rebut such presumptions should be submitted.

(4) *Employment contracts.* Any employment contracts should conform with § 545.25–1 of the Federal Regulations if the resulting institution has a Federal charter or with § 563.39 of the Insurance Regulations if the resulting institution has a State charter.

(5) *Advisory boards.* The application should fully justify the need for, and the compensation to be paid to, an advisory board of the resulting institution consisting of officers, directors or controlling persons of the disappearing institution. The application should describe the duties and responsibilities of such advisory board. Those duties and responsibilities should be consistent with the principle that the board of directors has the ultimate responsibility for operation of the resulting institution. The plan will be particularly scrutinized where proposed advisory board fees exceed the director fees paid by the disappearing institution prior to the commencement of merger negotiations. Such an excess in advisory director fees gives rise to presumptions of unreasonability and sale of control. In the case of such an excess, evidence sufficient to rebut such presumptions should be submitted, unless, based on a schedule of 12 meetings per year, the advisory board fees do not exceed $100 per meeting attended in the case of a disappearing institution with assets of at least $10,000,000 or $50 if the disappearing institution has assets of less than $10,000,000. No advisory board fees should exceed the director fees paid by the resulting institution and no advisory board fees should be paid to salaried officers or employees of the resulting institution. If the disappearing institution experienced significant supervisory problems prior to the merger, the application should also fully justify any selection as an advisory board member of a person who was a director, officer or controlling person of the disappearing institution. Advisory board members should be elected annually for a term not exceeding one year.

(6) *Retention of attorneys and other professionals.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to retain any attorney, law firm or other person performing professional services for the disappearing institution. Any such retention should be by decision of the resulting institution or affiliate, independent of the merger.

(7) *Tie-in transactions.* Neither the resulting institution nor any service corporation affiliate thereof should agree, in connection with the merger, to purchase or lease any office building or space therein, or other property or business, from any officer, director or controlling person of the disappearing institution. Any such purchase or lease should be by decision of the resulting institution or affiliate, independent of the merger. The limitation on leasing does not apply to an assumption of an existing lease without change in its terms.

(8) *Fees paid in connection with mergers.* The application should state the name of each person or firm rendering legal or other professional services in connection with the merger. The fee expected to be paid to each such person or firm should be stated, together with a description of the services being performed, the time expected to be spent in performing such services, the hourly rate or other basis used for determining the fee, and any relationship between such person or firm and the disappearing or resulting institution. If a finder's or similar fee is to be paid in connection with the merger, the application should fully justify the payment and amount of the fee and state the name of the person or firm to whom the fee is to be paid. No finder's or similar fee should be paid to any officer, director or controlling person of the disappearing or resulting institution.

(f) *Accounting for goodwill.* The proposed treatment of goodwill in connection with the merger must be fully described in the application. The computation and amortization of goodwill should be in accordance with accounting policies of the Board at the time the application is filed.

(g) *Liquidating dividends.* Any liquidating or similar dividend will be subject to Bank Regulation § 531.10.

(h) *Non-inducement affidavits.* The application should include non-inducement affidavits on FHLBB Form 297 from each senior officer, director and controlling person of both the disappearing and the resulting institution, and each attorney or law firm regularly serving the disappearing or resulting institution.

(i) *Depository relationships.* Neither the resulting institution nor any service corporation affiliate thereof should, in connection with the merger, agree to continue any depository relationship of the disappearing institution. Any such continuance should be by decision of the resulting institution or affiliate, independent of the merger.

(j) *Tax liability.* A tax ruling from the Internal Revenue Service will generally be required, except in the case of a mutual to mutual merger. If a tax ruling is not being obtained, a tax opinion will be required.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76–6095 Filed 3–2–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Republication of Part

In the FEDERAL REGISTER of August 27, 1966 (31 FR 11367), there was published a revised Part 30 of Chapter I, of Title 15, Code of Federal Regulations, incorporating all amendments to the Foreign Trade Statistics Regulations (15 CFR Part 30) since the original publication of these Regulations on March 16, 1963 (28 FR 2556). Further amendments since the August 27, 1966, republication were published in the FEDERAL REGISTER of December 27, 1967 (32 FR 20805), May 23, 1968 (33 FR 7624), August 3, 1968 (33 FR 11076), January 18,1969 (34 FR 811), July 11, 1969 (34 FR 11463), September 19, 1969 (34 FR 14592), October 18, 1969 (34 FR 16869), November 29, 1969 (34 FR 19026), March 21, 1970 (35 FR 4948), September 12, 1970 (35 FR 14388), December 29, 1970 (35 FR 19663), March 23, 1971 (36 FR 5411), April 30, 1971 (36 FR 8138), May 23, 1972 (37 FR 10435), November 1, 1972 (37 FR 23250), August 29, 1973 (38 FR 23322), January 2, 1974 (39 FR 7), October 3, 1974 (39 FR 35648), July 31, 1975 (40 FR 32116) and December 31, 1975 (40 FR 60041). These regulations and amendments were pursuant to, and to carryout the provisions of, Chapter 9 of Title 13 of the United States Code (13 U.S.C. 301–307; 76 Stat. 951). Because of the numerous amendments, these regulations are being republished in entirety for convenience. This republication includes all amendments which have been published in the FEDERAL REGISTER through December 1975, together with other minor changes of a purely editorial nature, and replaces the present Part 30 of Chapter I, of Title 15 Code of Federal Regulations (15 CFR Part 30) in its entirety effective on March 3, 1976.

LIST OF SUBPARTS AND SECTIONS

Subpart A—General Requirements—Exporter

Sec.

30.1 General statement of requirement for Shipper's Export Declarations.
30.2 Related export control requirements.
30.3 Shipper's Export Declaration forms.
30.4 Preparation and signature of Shipper's Export Declarations.
30.5 Number of copies of Shipper's Export Declaration required.
30.6 Requirements as to separate Shipper's Export Declarations.
30.7 Information required on Shipper's Export Declarations.
30.8 Additional information required on Shipper's Export Declaration for In-Transit Goods (Form 7513).
30.9 Requirements for separation and alignment of items on Shipper's Export Declarations.

Sec.
30.10 Continuation sheets for Shipper's Export Declaration.
30.11 Authority to require production of documents.
30.12 Time and place Shipper's Export Declarations required to be presented.
30.13 [Reserved]
30.14 [Reserved]
30.15 Procedure for presentation of declarations covering shipments from an interior point.
30.16 Corrections to Shipper's Export Declarations.

Subpart B—General Requirements—Exporting Carriers

30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.
30.21 Requirements for the filing of manifests.
30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.
30.23 Requirements for the filing of Shipper's Export Declarations by pipeline carriers.
30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

Subpart C—Special Provisions Applicable Under Particular Circumstances

30.30 Values for certain types of transactions.
30.31 Identification of certain nonstatistical and other unusual transactions.
30.32 Exports of complete machines or other complete units in partial shipment lots.
30.33 Vessels, planes, cargo vans, and other carriers and containers sold foreign.
30.34 Return of exported cargo to the United States prior to reaching its final destination.
30.35 Shipments between United States points in transit through Canada diverted to Canada.
30.36 [Reserved]
30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.
30.38 [Reserved]
30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.
30.40 Single declaration for multiple consignees.
30.41 "Split shipments" by air.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.
30.51 Government shipments not generally exempt.
30.52 Special exemptions for shipments to the U.S. armed services.
30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.
30.54 Special exemptions for mail shipments.
30.55 Miscellaneous exemptions.
30.56 Conditional exemptions.
30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

Subpart E—General Requirements—Importers

30.70 Statistical information required on import entries.

Subpart F—Special Provisions for Particular Types of Import Transactions

Sec.
30.80 Merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.
30.81 Imports of merchandise into Guam.
30.82 Identification of U.S. merchandise returned for repair and reexport.
30.83 Statistical copy of mail and informal entries.

Subpart G—General Administrative Provisions

30.90 Confidential information, import entries and withdrawals.
30.91 Confidential information, Shipper's Export Declarations.
30.92 Statistical classification schedules.
30.93 Emergency exceptions.
30.94 Instructions to Customs.
30.95 Penalties for violations.

AUTHORITY: Sections 30.1 to 30.95 issued under R.S. 161; (5 U.S.C. 301); Reorganization Plan No. 5 of 1950, 15 FR 3174, 64 Stat. 1263; Department of Commerce Order No. 85, June 21, 1962, 27 FR 6397. Interpret or apply 76 Stat. 951, 77A Stat; (13 U.S.C. 301–307; 19 U.S.C. 1202, 1484(e)).

NOTE: The term "Customs Director" or "District Director of Customs" as used in this Part 30 means the Regional Commissioner of Customs if the transaction is at the port of New York City; the district director of customs if at the headquarters port of a customs district other than New York City; and the customs officer in charge of the port if at a nonheadquarters port.

Subpart A—General Requirements—Exporters

§ 30.1 General statement of requirement for Shipper's Export Declarations.

(a) Shipper's Export Declarations shall be filed by exporters or their agents in accordance with the definitions, specifications, and requirements of these regulations for all commodities, gold and silver, except as specifically exempted herein, shipped as follows:

(1) To foreign countries or areas (including the Canal Zone and Trust Territories under U.S. administration, and including Foreign Trade Zones in foreign countries or areas) from any of the following:

(i) The United States, including the 50 States and the District of Columbia.

(ii) Puerto Rico.

(iii) Foreign Trade Zones in the United States or Puerto Rico.

(iv) The Virgin Islands of the United States.

(2) Between nonforeign areas as specified below: [1]

(i) To Puerto Rico from the United States.

(ii) To the United States from Puerto Rico.

(iii) To American Samoa and the Virgin Islands of the United States from the United States or Puerto Rico.

(b) Shipper's Export Declarations shall be filed for merchandise moving as described above regardless of the method of transportation. Instructions for the filing of Shipper's Export Declarations for vessels, aircraft, railway cars, etc., when sold foreign appear in § 30.33. Exemptions from these requirements and exceptions to some of the provisions of these regulations for particular types of transactions will be found in Subparts C and D of this part.

§ 30.2 Related export control requirements.

(a) Under the provisions of the Export Administration Regulations of the Office of Export Administration in the Bureau of East-West Trade, U.S. Department of Commerce (15 CFR Parts 368–399),[2] Shipper's Export Declarations are also required for shipments of Merchandise from U.S. Possessions to foreign countries or areas. In these regulations, the term U.S. Possessions includes the Virgin Islands of the United States, Guam Island, American Samoa, Wake Island, Midway Island, and Canton and Enderbury Islands.

(b) For all shipments to foreign countries or areas, the Shipper's Export Declaration is an export control document. In preparing and filing export declarations for shipments to foreign countries and areas, therefore, the shipper must comply with all pertinent export control regulations as well as the requirements of the statistical regulations of this part. For convenience, a few provisions of the Export Administration Regulations and of the Customs regulations closely related to statistical requirements have been incorporated in these regulations. Information concerning export control regulations and information concerning agencies other than the Department of Commerce exercising export control authority for particular types of commodities may be obtained from the Office of Export Administration, Bureau of East-West Trade, Washington, D.C. 20230, or from Department of Commerce District Offices.

§ 30.3 Shipper's Export Declaration forms.

(a) Official forms, or privately printed forms conforming in every respect to the official forms, shall be used in complying with requirements for Shipper's Export Declarations as follows:

(1) Except for shipments for which the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) is required as specified below, the Shipper's Export Declaration shall be prepared on Commerce Form 7525–V or on Commerce Form 7525–V–Alternate (Intermodal). The arrangement of Form 7525–V–Alternate (Intermodal) conforms to and is designed for simultaneous preparation with various other shipping documents commonly used, such as

[1] Shipper's Export Declarations are not required for shipments from the United States or Puerto Rico to the United States Possessions, except to American Samoa and the Virgin Islands of the United States, or from a U.S. Possession destined to the United States, Puerto Rico, or another U.S. Possession.

[2] See also the Export Administration Regulations of the Office of Export Administration, which may be purchased from the Government Printing Office or Department of Commerce District Offices.

the dock receipt, short form bill of lading, etc. Form 7525–V–Alternate (Intermodal) is acceptable in lieu of Form 7525–V without limitation.

(2) For merchadise shipped in transit through the United States, Puerto Rico, or the Virgin Island of the United States from one foreign country or area to another, including such merchandise destined from one foreign place to another and transshipped in ports of the United States, Puerto Rico, or the Virgin Islands of the United States, and for foreign merchandise exported from General Order Warehouses or from Foreign Trade Zones, the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) shall be filed. Form 7513 shall also be filed for merchandise subject to government inspection, examination, or permit arriving from a foreign country which is rejected and exported. (Although Form 7513 provides that it is to be used for foreign merchandise, it should be used also for U.S. merchandise which after having been exported has been returned to or through the United States and is again being exported under any of the conditions described in this paragraph. Except for rejected merchandise, Form 7513 is not to be used for the reexportation of goods for which entry has been made on Customs Forms 7501 or 7502.)

(b) The Shipper's Export Declaration and the Continuation Sheet [a] to the Shipper's Export Declaration (both forms designated Commerce Form 7525–V), and the Shipper's Export Declaration for Intransit Goods (Commerce Form 7513) may be purchased for a nominal price from Customs Directors, Department of Commerce District Offices, and the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or they may be privately printed. Supplies of the Alternate Intermodal Shipper's Export Declaration and the Continuation Sheet to the Alternate Intermodal Shipper's Export Declaration are not available from Government sales offices but must be privately printed. Sample official Alternate Intermodal Forms and their Continuation Sheets may be obtained from the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233. Privately printed Shipper's Export Declaration forms must conform strictly to the respective official form in size, wording, color, quality (weight of paper stock), and arrangement, including the instructions printed on the reverse side and also the Office of Management and Budget Approval Number printed in the upper right-hand corner of the face of the form. The quality (weight) of paper stock used in printing the Shipper's Export Declaration form is not less than 16 nor more than 20 pounds commercial substance. Occasional shippers may obtain copies of Shipper's Export Declarations free of charge from local Customs Directors, Post Offices, and Department of Commerce District Offices.

[a] See § 30.10 for instructions as to use of the Continuation Sheet.

§ 30.4 Preparation and signature of Shipper's Export Declarations.

(a) The Shipper's Export Declaration shall be prepared and signed by the shipper, owner, or consignor, or his properly authorized agent. For shipments to foreign countries, if the Shipper's Export Declaration is prepared by an agent his authority to sign such declaration shall be in the form of a properly executed power of attorney, signed by the shipper, owner, or consignor, or in the less formal written authorization printed on the export declaration. The power-of-attorney shall be on file in the agent's office and available for inspection on demand. In every event the data required in the Shipper's Export Declaration shall be complete and correct and shall be based on personal knowledge of the facts stated, or on invoices or information furnished by the principal. Exporters who authorize the preparation of their export declarations by an agent shall provide the agent with information for this purpose which will in every respect meet the specifications in § 30.7. Particular attention is called to the fact that invoices and other commercial documents furnished to the agent for other purposes may not necessarily contain all of the particular types of information needed for the preparation of the export declaration, and special arrangements should be made so that the information needed for the export declaration is noted upon or accompanies the commercial documents furnished to the agent, if he is to prepare the Shipper's Export Declaration.

(b) Shipper's Export Declarations shall be typewritten or prepared in ink or other permanent medium (except indelible pencil). The use of ditto, hectograph, or other duplicating process, as well as the overprinting of selected items of information, is acceptable.

(c) All copies of the Shipper's Export Declaration shall contain all of the information called for in the signature space as to name of firm, address, name of signer, capacity of signer, etc. The original Shipper's Export Declaration shall be signed in ink, but signature of other copies is not required. The use of signature stamps is acceptable as signature in ink. A duly signed legible carbon or other copy of the export declaration is acceptable as an "original" of the Shipper's Export Declaration.

§ 30.5 Number of copies of Shipper's Export Declaration required.

(a) Except as provided elsewhere in these regulations the Shipper's Export Declaration shall be delivered to the carrier or postmasters, as specified in §§ 30.12 and 30.15, in the following number of copies:

(1) In duplicate for shipments, except by mail, destined to all foreign countries except Canada.

(2) One copy only for shipments to Canada and nonforeign areas.

(3) One copy only for mail shipments to all destinations.

(b) In addition to the standard requirements set forth in paragraph (a) of this section, additional copies of Shipper's Export Declarations may be required for export control purposes by the regulations of the Office of Export Administration or other Government agencies or in particular circumstances by the Customs Director or by the postmaster.

§ 30.6 Requirements as to separate Shipper's Export Declarations.

Except as specifically provided in Subpart C, a separate Shipper's Export Declaration (in the required number of copies—see § 30.5) is required for each shipment (consisting of one or more kinds of merchandise) from one consignor to one consignee on a single carrier. In addition, more than one declaration is required for an individual shipment as follows:

(a) For consignments by rail, truck, or other vehicle, requiring more than one rail car, truck, or other vehicle, a separate export declaration is required for the merchandise carried in each such rail car, truck, or other vehicle. However, Customs Directors are authorized to waive this requirement where multiple car shipments are made under a single bill of lading or other loading document and are cleared simultaneously.

(b) Commodities requiring a validated export license shall not be reported on the same export declaration with commodities moving under general license.

§ 30.7 Information required on Shipper's Export Declarations.

The following information shall be furnished in the appropriate spaces provided on the Shipper's Export Declaration and shall conform to the requirements set forth in this section. (See § 30.92 for information as to the statistical classification Schedules B, C, D, and P referred to in this section. Also, see § 30.8 for information required on Form 7513 in addition to these requirements.)

(a) *Port of export.* The name of the U.S. Customs port of exportation shall be entered in terms of Schedule D, "Classification of Customs Districts and Ports." (See § 30.20(c) for definition of port of exportation.) (The boxes for District and Port codes in the upper portion of the form are to be completed by Customs except where the Customs Director requests that they be completed by the person preparing the declaration.) For shipments by mail, the name of the Post Office where the package is mailed shall be inserted in the space for U.S. port of export.

(b) *Method of transportation.* Except on Commerce Form 7513, the method of transportation by which the goods are exported (or shipped to a nonforeign area where the declaration covers such a shipment) i.e., vessel (including ferry), air, or other, shall be indicated by check mark in the appropriate space. For shipments by means of transportation other than vessel or air the specific method of

transportation (rail, truck, pipeline, etc.) used should be entered. "Other" should be checked for exported aircraft being flown away, vessels exported under their own power or afloat, or for other vehicles exported other than aboard another carrier, and the manner in which exported should be specified; e.g., "flown away," "in tow," etc.

(c) *Exporting carrier.* Information concerning the specific exporting carrier shall be reported as follows:

(1) For shipments by vessel, the name and flag nationality of the ship and the number or name of the pier at which the goods were laden shall be shown.

(2) For shipments by air, the name of the airline shall be reported.

(3) For shipments by other than vessel or air, the carrier shall be identified by name and number or other available designation.

In all cases, the information shall be furnished as to the carrier which transports the merchandise to a foreign country or to an ultimate destination in a nonforeign area, and not as to a different carrier which may have transported the goods to the seaport, airport, or border port of export for final shipment.

(d) *Exporter.* In general, the exporter named on the export declaration shall be the principal or seller in the export transaction. For exports moving under validated license, the exporter named on the Shipper's Export Declaration shall be the licensee named on the validated export license. The address of the exporter (number, street, place, state) shall be shown. (On Form 7513, if an authorized agent is representing the exporter, the name of the exporter as defined herein should be shown on the line labeled "For account of," where "Principal or seller" is indicated below the line on the form.)

(e) *Agent of exporter (forwarding agent).* The name and address of the duly authorized forwarding agent (if any) of the exporter shall be stated. (See § 30.4.) (On Form 7513, the information as to agent (if any) should be shown on the line labeled "Exporter," where "Actual shipper or agent" is indicated below the line on the form.)

(f) *Ultimate consignee.* The name and cense or authorized to be ultimate consignee whether by sale in the United States or abroad or by consignment shall be stated on the export declaration. For exports to foreign countries, the ultimate consignee shall be the same person so designated in the validated export license or authorized to be ultimate conconsignee under the applicable general license in conformity with Export Administration Regulations.

(g) *Intermediate consignee.* The name and address of the intermediate consignee (if any) shall be stated. For exports to foreign countries, the intermediate consignee shall be the person named as such in the validated export license or authorized to act as such under the applicable general license and in conformity with the Export Administration Regulations. If there is no intermediate consignee, the word "none" shall be entered on the Shipper's Export Declaration. (On Form 7513 the name and address of the intermediate consignee (if any) in a foreign country must be shown below the description of commodities across columns 1 through 6.)

(h) *Foreign port of unloading.* For shipments by vessel and by air the foreign port and country of unloading (i.e., the foreign port and country at which the merchandise will be unladen from the exporting carrier) shall be shown on the Shipper's Export Declaration in addition to the country of ultimate destination. The reporting of "optional" ports of unloading is not permissible except as provided in the Export Administration Regulations.[4] Where optional ports of unloading are named on the Shipper's Export Declaration under the ports of unloading is not permissible export Declaration Correction Form (Form FT–7403) indicating the actual port of unloading shall be filed by the exporter or his agent with the Customs Director as soon as the actual port of unloading is known to the exporter. Information as to port of unloading is required for shipments by vessel and air only.

(i) *Place and country of destination.* Country of destination shall be reported on the Shipper's Export Declaration in terms of the names designated in Schedule C, "Classification of Country Designations for U.S. Foreign Trade Statistics," as follows:

(1) For shipments under validated export licenses, the place (city) and country of ultimate destination shown on the export declaration shall conform to the country of ultimate destination as shown on the license.

(2) For shipments not moving under validated export license, the final place (city) and country of ultimate destination as known to the exporter at the time of exportation shall be shown on the export declaration. "Country of ultimate destination" means the country in which the goods are to be consumed or further processed or manufactured. The country to which the goods are being shipped is not the country of ultimate destination for purposes of preparing the Shipper's Export Declaration if the exporter has knowledge at the time the goods leave the United States that they are intended for reexport or transshipment in their present form to another known country. For goods shipped to Canada, Panama, Hong Kong, Belgium or The Netherlands for example, special care should be exercised before reporting these countries as the ultimate destination, since these are countries through which merchandise from the United States is frequently transshipped. If the shipper does not know the ultimate destination of the goods, the country of destination to be shown on the export declaration is the last country, as known to the exporter at the time of shipment from the United States, to which the goods are to be shipped in their present form. (For instructions as to the reporting of country of destination for vessels sold or transferred from the United States to foreign ownership, see § 30.33.)

(j) *Marks and numbers.* For purposes of identification of the export declaration with the merchandise it covers, the marks, numbers, or other identification shown on the packages should be inserted. This information is not required for shipments by mail inasmuch as the declaration is presented to the Postmaster with the packages being mailed.

(k) *Number and kind of packages.* The number and kind of packages (i.e., boxes, barrels, baskets, bales, etc.) shall be stated.

(l) *Description of commodities and Schedule B number.* (1) The correct commodity number as provided in Schedule B, "Statistical Classification of Domestic and Foreign Commodities Exported from the United States," shall be entered in the space provided on the Shipper's Export Declaration form, and a description of the merchandise shall be supplied in the "Description of Commodities" column in sufficient detail to permit the verification of the Schedule B commodity number. (For shipments from Puerto Rico to the United States, Schedule P, "Commodity Classification for Reporting Shipments from Puerto Rico to the United States," is substituted for Schedule B.) The name of the commodity, in terms which can be identified or associated with the language used in Schedule B (usually the commercial name of the commodity), and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other Schedule B classifications shall be clearly and fully stated. Careful reference to the Schedule B classification scheme for related commodities as well as for the commodity being shipped, is necessary in order to establish which particular characteristics must be stated in the description to permit verification of the correct Schedule B commodity number and to eliminate any question that some other commodity number might apply. A description of commodities in the kind of detail specified above is a separate requirement, and the furnishing of the correct Schedule B commodity number does not relieve the exporter of furnishing, in addition, a complete and accurate commodity description in accordance with this requirement. If the shipment is moving under a validated license, the description shown on the export declaration shall conform with that shown on the validated export license. However, where the description on the license does not state all of the characteristics of the commodity which are needed to completely verify the commodity number, as described above, the missing characteristics, as well as the description shown on the license, shall be stated in the commodity description on the Shipper's Export Declaration.

[4] See Export Administration Regulations. (See footnote 2 above.)

(2) For Schedule B commodity numbers for which the classification description in Schedule B is followed by instructions such as "Specify by name," "State species," etc., the specific name of the item or a further identifying description of the item, in addition to the information required by subparagraph (1) of this paragraph, shall be shown. Where a single Shipper's Export Declaration covers more than one item classifiable under a single one of the classifications carrying the "Specify by name" or similar requirement, separate quantities, values, and shipping weights, for the individual items are not required by this part. However, each item should be separately enumerated in the column for commodity description, except that if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification are required to be separately enumerated.

(3) Further explanations regarding the description of commodities and Schedule B number requirements are furnished on the reverse side of the export declaration, in the introduction to Schedule B, and in the pamphlet "Correct Way to Fill Out the Shipper's Export Declaration."

(4) Directions for locating the correct Schedule B commodity number will be found in the introduction to Schedule B. The introduction to Schedule B also contains an explanation regarding use of trade names on Shipper's Export Declarations and a description of special provisions for the classification of certain types of commodities, such as items of mixed materials, used or secondhand items, parts for machinery and equipment, filled metal shipping containers of particular types, toys, military equipment, relief and charity shipments, and shipments valued less than $250. Shippers may consult their local Customs Director, Department of Commerce District Offices (located in principal cities), or write to the Foreign Trade Division, Bureau of the Census, for assistance in determining the correct Schedule B commodity numbers for their shipments.

(m) *Export license number and expiration date (or general license symbol).* For exports to foreign countries the export license number and expiration date, or the general license symbol shall be shown below the description of the commodity.

(n) *Net quantity.* Where a unit of quantity is specified in Schedule B for the commodity number in which the item is classified, net quantity is required to be reported in the specified unit, and the unit in which reported should be indicated on the declaration following the net quantity figure. Where the unit of quantity specified in Schedule B is "No." (number), "Each" or the abbreviation "Ea." may be indicated on the declaration as the unit of quantity. If no unit of quantity is specified in Schedule B for a numbered classification, but a validated export license for the item specifies a unit of quantity, the net quantity shall be reported on the declaration in terms of the unit of quantity specified in the validated license. If neither Schedule B nor an applicable validated license specifies a unit of quantity for the item, net quantity is not required to be reported, and a dash (—) should be entered in the "net quantity" column on the Shipper's Export Declaration. Where Schedule B calls for two units of quantity, net quantity shall be reported in terms of both units. Where the specified unit is in terms of weight (ounces, pounds, etc.) the net quantity should reflect the net weight, exclusive of the weight of barrels, boxes, or other bulky coverings, and exclusive of salt or pickle in the case of salted or pickled fish or meats. Note, however, that for a few commodities where "content lb.," "dry weight," or some similar weight unit is specified in Schedule B, the net quantity to be reported on the Shipper's Export Declaration may be less than the net weight. In the expression of net quantities, fractions of one-half unit or upward will be counted as a whole unit, and fractions of less than one-half unit will be ignored, except that where the total net quantity is less than one-half of the unit prescribed for the commodity in Schedule B "Less than one-half (unit)" should be reported. (For example, where the unit for a given commodity is in terms of "M board feet," a net quantity of 8,400 board feet would be reported as "8 M bd. ft." and a net quantity of 900 board feet would be reported as "1 M bd. ft."; however, a total net quantity of 450 board feet should not be ignored but should be reported as "less than one-half M bd. ft.".)

(o) *Gross (shipping) weight.* In addition to specifying the net quantity in the units required by Schedule B, the gross shipping weight in pounds, including the weight of containers, shall be shown for all shipments by vessel and air. However, for containerized cargo in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers should not be included in the gross weight of the commodities. If gross shipping weight information is not available for individual Schedule B items for the reason that commodities covered by more than one Schedule B number are contained in the same shipping container, approximate shipping weights, estimated as accurately as is practicable, may be shown on the Shipper's Export Declarations for each Schedule B item in the container. The total of the estimated weights must equal the actual shipping weight of the entire container or containers and contents. Gross shipping weight is not required for shipments by mail or for shipments by methods of transportation other than vessel or air.

(p) *"D" (Domestic) or "F" (Foreign).* (1) The export declaration covering exports to foreign countries shall show foreign goods separately from goods of domestic production. Exports of foreign merchandise include those commodities which are the growth, produce, or manufacture of foreign countries which entered the United States as imports and which at the time of exportation have undergone no change in form or condition or enhancement in value by further manufacture in the United States, Puerto Rico, or U.S. Possessions.

(2) Exports of domestic merchandise include those commodities which are the growth, produce, or manufacture of the United States, Puerto Rico, or U.S. Possessions (including commodities incorporating foreign components), and those articles of foreign origin which have been enhanced in value or changed from the form in which imported by further manufacture or processing in the United States, Puerto Rico, or U.S. Possessions.

(3) The above distinction between domestic and foreign merchandise is intended only for use in reporting on the Shipper's Export Declaration and is intended for statistical purposes only.

(4) On the Shipper's Export Declaration in the column headed "Specify 'D' or 'F'", domestic merchandise shall be identified by the designation "D" and foreign merchandise shall be identified by the designation "F." On the Shipper's Export Declaration for In-Transit Goods, Form 7513, one of the following statements, whichever is appropriate, shall be shown across the body of the form within columns 1 through 6: (i) For in-transit shipments of domestic (U.S.) merchandise, "The merchandise described herein is of the growth, production or manufacture of the United States;" and (ii) for in-transit shipments of foreign merchandise, "The merchandise described herein is of foreign origin."

(q) *Value.* (1) In general, value shall be reported on the Shipper's Export Declaration in accordance with the definition at the top of the value column on the regular Shipper's Export Declaration (Commerce Form 7525–V): "Value at U.S. Port of Export (Selling price or cost if not sold, including inland freight, insurance and other charges to U.S. port of export) (Nearest whole dollar; omit cents figures)." "Selling price" for goods exported pursuant to sale is the exporter's price to his customer net of any unconditional discounts from list price, but without deducting any discounts which are conditional upon a particular act or performance on the part of the customer. Commissions to be paid by a U.S. exporter to his agent abroad, or to be deducted from the selling price by the exporter's agent abroad should be excluded. For goods shipped on consignment without a sale actually having been made at the time of export, the "selling price" to be reported on the Shipper's Export Declaration is the market value at the time of export at the United States port from which exported.

(2) The value reported on the Shippers' Export Declaration shall exclude: the cost of loading on the exporting vessel, aircraft, car or vehicle at the port of exportation; freight, insurance, and any other charges or transportation costs beyond the port of export; and any duties, taxes, or other assessments imposed by foreign countries. The value reported

shall include inland or domestic freight or other charges to the seaport, airport, or border port of exportation.

(3) The value to be reported as defined above is (or is equivalent to) an f.a.s. (Free alongside ship) value. Therefore, where goods are sold f.o.b. a U.S. point other than the port of exportation, freight, insurance, and other costs to the border, sea, or airport of exportation shall be added to the selling price (as defined above) for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such domestic costs is not available, an estimate of the domestic costs shall be added. Where goods are sold at a "delivered" price, c.i.f. foreign destination, the cost of loading on the exporting carrier at the port of exportation, if any, and freight, insurance, and other costs beyond the port of exportation should be subtracted from the price for purposes of reporting value on the Shipper's Export Declaration. If the actual amount of such costs is not available, an estimate of the costs should be subtracted. Costs added to or subtracted from the selling price in accordance with the above instructions should not be itemized or shown separately on the Shipper's Export Declaration, but the value reported should be the value after the making of such adjustments, where they are required to arrive at "value at U.S. port of export." In the expression of values in export declarations, fractions of a dollar less than 50 cents should be ignored, and fractions of 50 cents or upward should be counted as $1.

(4) For definitions of the value to be shown on the Shipper's Export Declaration for special types of transactions where the commodities are not being exported pursuant to commercial sales, or where subsidies, Government financing or participation, or other unusual conditions are involved, see § 30.30.

(r) *Date of exportation.* Information as to date of exportation is not required to be reported for shipments by vessel or by mail. For other shipments, the date of departure (or date of clearance, if date of departure is not known) shall be shown on the Shipper's Export Declaration as the date of exportation.

(s) *Designation of agent and signature.* For information regarding the use of the space provided on Form 7525–V and 7525–V–Alternate (Intermodal) for authorization of agent, and for requirements as to signature, see § 30.4.

§ 30.8 Additional information required on Shipper's Export Declaration for In-Transit Goods (Form 7513).

In addition to the information required under § 30.7, the following information shall be shown on the Shipper's Export Declaration for In-Transit Goods, Form 7513:

(a) *U.S. port of arrival.* The U.S. port at which the merchandise covered by the declaration arrived from a foreign country shall be shown.

(b) *Country from which shipped.* The name of the foreign country where the goods were loaded on the carrier which transported the merchandise to the United States from a foreign country shall be indicated.

(c) *Date of arrival.* The date on which the merchandise arrived in the United States shall be entered.

(d) *Country of origin.* The name of the country of origin as defined in § 30.70 (f) shall be indicated.

§ 30.9 Requirements for separation and alignment of items on Shipper's Export Declaration.

For each Schedule B classification (see § 30.7(1)) for which merchandise is included in the shipment, a separate item shall be shown on the Shipper's Export Declaration and the separate description of commodities, shipping weight, "D" or "F" designation, Schedule B commodity number, net quantity and value for the item shall be correctly aligned horizontally, and clearly distinguishable from information applying to other Schedule B items on the same declaration. However, where merchandise covered by a single Schedule B classification is moving under more than one general license, under more than one validated export license, or under a validated export license which shows two or more listings for the same Schedule B number, a separate item shall be shown on the Shipper's Export Declaration for each license or for each listing on the license.[5] For merchandise moving under validated license, information required by export control regulations as to export license number and expiration date, and information as to whether the export is a partial or complete shipment against the license, shall be shown immediately below the corresponding description of commodities on the Shipper's Export Declaration. Where two or more items are classified under the same Schedule B number and moving under the same general license, or where no license is required, the quantities, values and shipping weights of such invoice items, wherever practical, should be combined and the information shown on a single horizontal line of the Shipper's Export Declaration. Commodities of U.S. manufacture incorporating foreign components shall be reported under the Schedule B number for the exported commodity, and a separate item shall not be shown for the imported components. If the exporter desires to record the imported components separately on the export declaration for purposes of identification with a temporary import bond, a notation may be made in column 10 as to the imported components which have been incorporated in the exported commodity. In the preparation of the export declaration, shippers shall conform to the line spacing on all copies.

[5] See § 30.6 for prohibition against reporting general license commodities on the same Shipper's Export Declaration with commodities moving under a validated license.

§ 30.10 Continuation sheets for Shipper's Export Declaration.

When more horizontal lines than the number provided on the Shipper's Export Declaration form are required to list all of the merchandise covered by the declaration, Continuation Sheets should be utilized.[6] In lieu of official Continuation Sheets, additional copies of the Shipper's Export Declaration form with no portion torn off or removed, may be used as continuation sheets. All continuation sheets shall be numbered in proper sequence and securely stapled to the first sheet, which must be the export declaration itself. Each continuation sheet shall show the Customs port of exportation and the country of ultimate destination for the shipment. The following statement with the blank filled in as appropiate, shall be inserted on the last line of the Shipper's Export Declaration itself between columns 9 and 15:

This declaration consists of this sheet and _____ continuation sheets.
(No.)

§ 30.11 Authority to require production of documents.

For purposes of verifying the completeness and accuracy of the information reported as required under §§ 30.7 and 30.8, and for other purposes under the regulations in this part, Customs is authorized to require the owners and operators of exporting carriers, as well as the exporters or their agents, either at the time of exportation or within a period of 3 years subsequent thereto, to produce for inspection or copying shipping documents, invoices, orders, packing lists, correspondence, as well as any other relevant documents and to furnish other information bearing upon a particular exportation. The Bureau of the Census is similarly authorized to require the production of such documents. Customs shall refuse to accept Shipper's Export Declarations containing known errors and omissions, and may require their correction, but acceptance by the Customs Director shall not be construed as evidence that all requirements have been met, and such acceptance shall not relieve the exporter of the responsibility to furnish complete and correct information at a later time if all requirements have in fact not been properly met.

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

For shipments by mail, the Shipper's Export Declaration as required in § 30.1 shall be presented to the postmaster with the packages at the time of mailing. For shipments other than by mail, except as otherwise provided, the Shipper's Export Declaration in the number of copies required by § 30.5 shall be delivered to the exporting carrier prior to exportation. It is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his

agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95. For shipments by pipeline, the Shipper's Export Declaration is not required to be presented prior to exportation, and exportation will be permitted upon the understanding that the exporter or his agent, within 4 working days after the end of each calendar month, will file with the Customs Director having jurisdiction for the pipeline, a Shipper's Export Declaration in the number of copies specified in § 30.5 to cover exports to each consignee during the calendar month.

§ 30.13 [Reserved]

§ 30.14 [Reserved]

§ 30.15 Procedure for presentation of declarations covering shipments from an interior point.

For shipments from an interior point, the Shipper's Export Declaration in the number of copies required in § 30.5 may be prepared and delivered by the exporter or his agent to the inland carrier to accompany the merchandise to the exporting carrier at the seaport, airport, or border port of exportation, or it may be otherwise delivered directly to the exporting carrier. In either case, the Shipper's Export Declaration must be in the exporting carriers' possession prior to exportation. (See § 30.6 for requirements for a separate set of Shipper's Export Declarations for each car, truck, or other vehicle, covering only the merchandise exported in that car, truck, or vehicle.)

§ 30.16 Corrections to Shipper's Export Declarations.

Except for shipments by mail, the shipper or his agent shall prepare and file in duplicate with the Customs Director at the port of exportation a Shipper's Export Declaration Correction Form on Form FT–7403 for all corrections, amendments, or cancellations of Shipper's Export Declarations which are reported after the copies of the declarations have been forwarded by Customs to the Bureau of the Census, or for which the filing of Form FT–7403 is required by the Export Administration Regulations. Other corrections, amendments or cancellations shall be effected by means of a Correction Form, or shall be noted directly upon the Shipper's Export Declaration. For effecting corrections to Shipper's Export Declarations covering shipments by mail, one copy of the Shipper's Export Declaration Correction Form should be prepared and presented to the Postmaster at the post office where the package was mailed. Correction Forms may be obtained free of charge from the Customs Director. The provisions of this paragraph relating to the filing of a Shipper's Export Declaration Correction Form shall not be construed as a relaxation of the requirements of the laws and regulations pertaining to the preparation and filing of Shipper's Export Declarations.

Subpart B—General Requirements—Exporting Carriers

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

(a) Carriers transporting merchandise from the United States, Puerto Rico, or U.S. Possessions to foreign countries; from the United States or Puerto Rico to American Samoa or to the Virgin Islands of the United States; or between Puerto Rico and the United States; shall not be granted clearance, where clearance is required, and shall not depart, where clearance is not required, until manifests (for vessels, aircraft, and rail carriers) and Shipper's Export Declarations have been filed with the Customs Director as specified below, except as provided in § 30.24. Where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received prior to exportation or departure, and the merchandise has been laden, such carrier shall not as a result of this circumstance be required to offload the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required). However, the provisions of § 30.-24 remain applicable.

(b) Except as otherwise specifically provided, declarations should not be filed at the place where the shipment originates if it is to be transshipped within the United States area before being dispatched to a foreign country or to its final destination in a nonforeign area. This applies to shipments originating in Puerto Rico or the Virgin Islands of the United States being forwarded to the United States for transshipment to another destination, and to shipments originating in the United States and being forwarded to Puerto Rico or the Virgin Islands of the United States for transshipment, as well as to merchandise being transshipped in Customs Districts within the States of the United States. In such cases, the declarations should be filed only with the Customs Director at the actual port of exportation.

(c) For purposes of these regulations, the port of exportation is defined as the Customs port at which or nearest to which the land surface carrier transporting the merchandise crosses the border of the United States into foreign territory, or, in the case of exportation by vessel or air, the Customs port where the merchandise is loaded on the vessel or aircraft which is to carry the merchandise to a foreign country or to a nonforeign area of ultimate destination.

§ 30.21 Requirements for the filing of manifests.

(a) *Vessels.* Vessels transporting merchandise as specified in § 30.20 (except vessels exempted by paragraph (d) of this section) shall file a complete manifest on Customs Form 1374 or similar form approved by the Customs Director. The manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden, and shall show the destination of the vessel and list all the cargo so laden. For each item of cargo, the manifest shall show the marks and numbers of the packages; and a description of the articles, contents, quantities, and values, shall be shown; however, a notation on the manifest that values are as stated on the Shipper's Export Declaration, copies of which are attached to such manifest, will be accepted. There shall also be shown for each item of cargo the bill of lading number shown on the declaration covering the item, except that bill of lading numbers are not required on manifests covering cargo destined for Canada or a nonforeign area. If an item on a manifest is one for which a Shipper's Export Declaration is not required under the regulations in this part, a notation shall be inserted on the manifest as to the basis for the exemption. In lieu of a listing of cargo on Customs Form 1374, the list of cargo may be shown on bills of lading, cargo lists, or other similar commercial forms, attached to the manifest: *Provided,* That the manifest is completely executed on Customs Form 1374 or similar form approved by the Customs Director, except for particulars as to cargo: *And provided also,* That the bills of lading, cargo lists, or other commercial forms are securely attached to that form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form such as "Cargo as per bills of lading attached," or "Cargo as per commercial forms attached," and that there is shown on the face of each bill the information required by Customs Form 1374 for the cargo covered by that document. The manifest of vessels clearing for foreign countries shall also show the quantities and values of bunker fuel taken aboard at that port for fueling use of the vessel, apart from such quantities as may have been laden on vessels as cargo. The quantity of coal shall be reported in tons, and the quantity of fuel oil shall be reported in barrels of 42 gallons. Fuel oil shall be described in such manner as to identify diesel oil as distinguished from other types of fuel oil.

(b) *Aircraft.* Aircraft transporting merchandise as specified in § 30.20 shall file a complete manifest on Customs Form 7509. Such manifest shall be filed with the Customs Director at the respective ports where the merchandise is laden aboard the aircraft which is to carry the merchandise to the foreign country or to its ultimate destination in a nonforeign area, and shall list all the cargo so laden and show, for each item, the air waybill number or marks and numbers on packages, the number of packages, and the nature of the goods, except as otherwise provided in this paragraph (b). In addition, for any item for which a Shipper's Export Declaration is not required under the regulations in this part, a notation as to the basis for the exemption shall be inserted on the manifest, or on the waybill filed in lieu of listing on the manifest

as provided below. In lieu of listing the cargo on the manifest, (1) in the case of shipments on an air waybill, a copy of each document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest, or (2) on direct departures only, for shipments requiring a Shipper's Export Declaration a copy of each export declaration may be attached to the cargo manifest. In such case the Air Waybill numbers of such declaration shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest. Under this alternative procedure, any shipments not requiring a Shipper's Export Declaration shall be listed on the manifest, and a notation as to the basis for the exemption shall be shown. For aircraft carrying merchandise on direct flights between the United States and Puerto Rico, where the conditions of 19 CFR 6.8(e) of the Customs Regulations are met and complied with, a cargo manifest shall be required only for any merchandise transported as cargo which is excepted from the filing of Shipper's Export Declarations or for any cargo for which Shipper's Export Declarations cannot be timely filed. For cargo requiring Shipper's Export Declarations, a declaration shall be made on the general declaration required by Customs Regulations (on the cargo manifest if one is required by the preceding sentence). This declaration shall state either "Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on this flight except that listed on the cargo manifests" or "All required cargo documents will be filed within the 4-day bond period." If the latter declaration is used, when the Shipper's Export Dec-

Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on aircraft No. ____ flight No. ____ cleared direct for _____ on _____ except cargo listed on any cargo manifest required to be filed for such flight.

Airline_____
Authorized Agent_____

(c) *Rail carriers.* Rail carriers transporting merchandise as specified in § 30.20 shall file a car manifest. Such manifest shall be filed with the Customs Director at the border port of exportation, giving the marks and numbers, the name of the shipper or consignor, description of goods and the destination thereof. The manifest may be a waybill, or a copy thereof, or a copy of the manifest prepared for foreign customs. For any item for which a Shipper's Export Declaration is not required by these regulations, a notation on the manifest, or an oral declaration to the Customs Director, shall be made by the carrier as to the basis for the exemption.

(d) *Carriers not required to file manifests.* These regulations do not require the filing of manifests by carriers other than vessels, aircraft and rail carriers, nor by vessels under 5 net tons engaged in trade with a foreign country otherwise than by sea, nor by vessels specifically exempted from entry by section 441, Tariff Act of 1930, as amended.

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

(a) To meet the requirements of § 30.20 for the filing of Shipper's Export Declarations, every departing carrier transporting merchandise as specified in § 30.20, including vessels, aircraft, rail carriers, trucks and other vehicles, ferries, and every other carrier shall deliver to the District Director of Customs at the port of exportation, with the manifest of the carrier, if a manifest is required by the regulations in this part, Shipper's Export Declarations prepared and signed by the exporters or their agents covering all the cargo for which such Shipper's Export Declarations are required by the regulations in this part.

(b) The exporting carrier shall be responsible for the accuracy of the following items of information (where required) on the declaration: Name of carrier (including flag, if vesse' carrier), foreign port of unloading, and the bill of lading or air waybill number.

(c) Except as provided in paragraph (d) of this section, when a transportation company finds, prior to the filing of declarations and manifest as provided in paragraph (a) of this section, that due to circumstances beyond the control of the transportation company or to inadvertence, a portion of the merchandise covered by an individual Shipper's Export Declaration has not been exported on the intended carrier, the transportation company shall correct the descriptions and the quantity, value and shipping weight (if any) amounts shown on the declaration to reflect the amount actually exported on the carrier named in the Shipper's Export Declaration. If a short shipment of this type is discovered by the carrier after the Shipper's Export Declaration in question has been delivered to the District Director of Customs, the transportation company will immediately notify the District Director of Customs so that a correction can be made by the Director on all copies of the declaration if it is still in his possession. If the statistical copy of the declaration has been transmitted by the Director to the Bureau of the Census at the time of such notification, the Director will require the filing of a correction form, Form FT-7403, by the exporter or his agent, to effect the correction of the export declaration. If the balance of the short-shipped merchandise is subsequently exported, a new Shipper's Export Declaration, complete in all detail, will be required. If the short-shipped merchandise is exported on a carrier of the transportation company named in the original declaration, and if such exportation is made within a reasonable period, the District Director of Customs may accept a declaration executed by such transportation company; otherwise the new declaration shall be executed by the exporter or his agent. In any event, the new declaration shall contain the following statement:

These commodities or technical data were included, but not shipped, on a Shipper's Export Declaration filed at _____ on
(Port)
_____
(Date)

(d) When a shipment by air covered by a single Shipper's Export Declaration is divided by the transportation company and exported in more than one aircraft of the transportation company, the "split shipment" procedure provided in § 30.41 shall be followed by the transportation company in delivering manifests and Shipper's Export Declarations to the District Director of Customs.

(e) Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations, and to prorate total shipping weights among the individual commodities where such carriers are able to do so based upon information in their possession.

Subpart B—General Requirements—Exporting Carriers

§ 30.23 Requirements for the filing of Shipper's Export Declarations by pipeline carriers.

The operator of a pipeline may transport merchandise to a foreign country without prior filing of Shipper's Export Declarations, on the condition that within 4 days following the end of each calendar month the pipeline operator will deliver to the Customs Director Shipper's Export Declarations prepared by the exporter or his agent covering all exportations through the pipeline to each consignee during the month.

§ 30.24 Clearance or departure of carriers under bond on incomplete manifest or Shipper's Export Declarations.

(a) For purposes of the regulations in this part, clearance (where clearance is required) or permission to depart (where clearance is not required) may be granted to any carrier by the Customs Director prior to the filing of a complete manifest as required under the regulations in this part, or prior to the filing by the carrier of all required Shipper's Export Declarations, provided that a bond as specified in paragraph (b) of this section is filed with the Customs Director. The condition of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part, and all required Shipper's Export Declarations, shall be filed by the carrier not later than the fourth business day after clearance (where clearance is required) or departure (where clearance is not required) of the carrier for all carriers except as otherwise specifically provided in paragraphs (a)(1) and (2) of this section.

(1) For shipments aboard a U.S. flag carrier between the United States and Puerto Rico, or from the United States or Puerto Rico to American Samoa or the Virgin Islands of the United States, the condition of the bond shall be that a complete manifest (where a manifest

is required) and all required Shipper's Export Declarations shall be filed by the carrier not later than the seventh business day after departure.

(2) For rail carriers to Canada, the condition of the bond shall be that the manifest and all required Shipper's Export Declarations shall be filed not later than the 15th business day after departure.

In the event that any required manifest and all required Shipper's Export Declarations are not filed by the carrier within the period provided by the bond, then a penalty of $50 shall be exacted for each day's delinquency beyond the allowed period of 4 days, 7 days, or 15 days, as appropriate; and if the completed manifest, where required, and all required Shipper's Export Declarations are not filed within 3 days following the period of 4 days, 7 days, or 15 days, allowed under the bond, then for each succeeding day of delinquency a penalty of $100 shall be exacted, but no penalty shall exceed $1,000 in total. Remission or mitigation of the penalties provided herein may be granted in those cases where, in the judgment of the administering authority provided in paragraph (b) of this section, the penalties were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

(b) Bonds filed in accordance with the provisions of this § 30.24 may take the form of a single entry bond on Customs Form 7567 in the amount of $1,000 or of a term or blanket bond on Customs Form 7569 in the amount of $10,000 or such larger amount as the Secretary of the Treasury may prescribe, or in other approved form. Except as provided below in this paragraph, there shall be shown on the bond, or on a separate listing which refers to and is made a part of the bond, a pro forma list of shipments on board the departing carrier for which Shipper's Export Declarations have not been filed with the Customs Director. The list shall show for each such shipment the name of the shipper, the country to which exported, marks and numbers of the packages, the number and kind of packages, a description of the goods and the value (or estimated value). However, where such waiver will not interfere with the ability of the Customs Director to check on performance under the bond, or with the identification of the shipment for purposes of obtaining statistical information in the event of failure of performance under the bond, the Customs Director may waive the requirement for the pro forma list of shipments for which declarations are missing, or may accept a list containing less than the items of information enumerated above. Approval of bonds and administration of the provisions of the regulations in this part relating to performance by carriers under such bonds, including remission and mitigation of penalties incurred by the carriers, are hereby delegated to the Commissioner of Customs or his delegate to be carried out in accordance with the provisions of section 623 of the Tariff Act of 1930, as amended, and the regulations of the U.S. Customs Service issued pursuant thereto.

Subpart C—Special Provisions Applicable Under Particular Circumstances

§ 30.30 Values for certain types of transactions.

The following special arrangements govern the values to be reported for shipments of the following unusual types:

(a) *Subsidized exports of agricultural products.* Where provision is made for the payment of an export subsidy to the exporter for the exportation of agricultural commodities under a program of the Department of Agriculture, the value required to be shown on the export declaration is the f.a.s. value as defined in § 30.7(q), based on the selling price paid by the foreign importer, excluding the amount of the subsidy.

(b) *GSA exports of excess personal property.* For exports of General Services Administration excess personal property, the value to be shown on the Shipper's Export Declaration will be the total of the estimated "fair value," if any, at which the property was transferred to GSA by the holding agency, plus charges, when applicable, to the port of export, such as packing, rehabilitation, inland freight or drayage. The estimated "fair value" may be zero, or it may be a percentage of the original or estimated acquisition costs. (Export declarations for such shipments will bear the notation "Excess Personal Property, GSA Regulations 1–III, 303.03.")

§ 30.31 Identification of certain nonstatistical and other unusual transactions.

In order to enable the Bureau of the Census to make a judgment as to the statistical or other status of certain export transactions, Shipper's Export Declarations covering the following types of transactions should carry a statement beneath the commodity description clearly identifying the transactions as such:

(a) Merchandise exported for repair only, and other temporary exports to be returned to the United States which are not sold and do not enter the trade of the country to which shipped, e.g., merchandise for exhibition (not for exhibition and possible sale), horses or other animals for breeding or grazing, etc.

(b) The return of merchandise previously imported for repair only and other returns to the foreign shipper of temporarily imported merchandise (declared as such on importation) on which no alteration or processing has been performed; e.g., foreign merchandise being returned to the country of origin after importation into the United States for exhibition only.

(c) Shipments of material in connection with construction, maintenance, and related work being done on projects for the U.S. Armed Forces. Equipment and other material shipped for temporary use on such projects and intended for return to the United States should be identified separately from construction material or other goods which will become a part of or which will be consumed in the construction or maintenance work.

§ 30.32 Exports of complete machines or other complete units in partial shipment lots.

Unassembled machines or other units shall be classified as complete machines or units, and not as parts thereof, even when the integral components are not shipped simultaneously, or are shipped through more than one port. When more than one shipment is involved in the exportation of one or more complete machines or units, the components actually included in each shipment shall be reported in column 10 of the Shipper's Export Declaration (column 18 of the Alternate-Intermodal declaration) with the value (or estimated value) and, where required, shipping weight, of these components only shown in columns 15 and 11 (columns 24 and 19 of the Alternate-Intermodal declaration), respectively. In each case the Schedule B number for the complete machine shall be reported in column 13 of the Shipper's Export Declaration (column 22 of the Alternate-Intermodal declaration), and a statement shall be entered beneath the commodity description to the effect that the declaration represents the first, second, third, etc., partial shipment of integral components to comprise one (or other number) complete machine (and the machine should be completely described in terms of Schedule B). The statement should also include the total value and, where required, shipping weight for the entire consignment. The declaration covering the final shipment shall be conspicuously labeled "Final Shipment," in addition to being appropriately numbered in the series of declarations.

§ 30.33 Vessels, planes, cargo vans, and other carriers and containers sold foreign.

(a) Vessels, locomotives, rail cars, ferries, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers are not considered "shipped" in terms of these regulations in this part when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of merchandise or as instruments of such carriers, and Shipper's Export Declarations are not required therefor when so moving.

(b) However, Shipper's Export Declarations shall be filed for such items, when moving as merchandise pursuant to sale or other transfer from ownership in the United States to ownership abroad. When a new vessel built in the United States for foreign account clears under a certificate of record (Commerce Form 1316) a Shipper's Export Declaration must be furnished by the agents or prepared by Customs for statistical purposes. If a vessel, car, vehicle, or container, whether in service or newly built or manufactured, is sold or transferred to foreign ownership while in the Customs area of the United States or at a port in such area, Shipper's Export Declarations shall be

filed in accordance with the general requirements of the regulations in this part, at the port through or from which the vessel, car, vehicle, or container first leaves the United States after sale or transfer. If the vessel, car, vehicle, or shipping container is outside the Customs area of the United States at the time of sale or transfer to foreign ownership, Shipper's Export Declarations shall be filed at the last port of clearance or departure from the United States prior to sale or transfer. The country of destination to be shown on the Shipper's Export Declaration for vessels sold foreign is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of destination on the Shipper's Export Declaration unless such country is the country of new ownership.

§ 30.34 Return of exported cargo to the United States prior to reaching its final destination.

(a) When a vessel carrying cargo which cleared from a port in the U.S. Customs area returns to the U.S. Customs area before it reaches its destination and discharges any or all of its cargo in the United States, the Customs Director at the port of unlading shall notify the Foreign Trade Division, Bureau of the Census, of this fact. The letter of notification shall contain the following information: Name of the carrier, dates of clearance, manifest numbers assigned at the various Customs ports at which cargo was laden and the final disposition of all cargo. If the vessel returns to the port at which the cargo was originally laden, the letter of notification shall also include the bill of lading numbers shown on each export declaration filed at the time of clearance.

(b) For shipments by air where the Shipper's Export Declarations are filed at the port of lading, if it becomes necessary because of an emergency to unload part or all of the cargo at another port in the U.S. Customs area (other than the port in Puerto Rico or U.S. Possession which is its final destination), the Shipper's Export Declarations filed at the port of lading need not be cancelled if the merchandise is reladen on another plane at the second port within a reasonable time and proceeds to its country of destination. If there is unreasonable delay in reloading, the originally filed declarations should be cancelled and new declarations should be filed at the second port of lading. If for any reason the merchandise remains permanently in the United States, the Customs Director at the first port of lading must be notified to cancel the Shipper's Export Declarations which have been filed. This provision is not intended as an exception from the requirements of § 30.12 as to the place at which Shipper's Export Declarations are required to be filed; it is intended only for cases where an emergency requires an unintended unloading after the requirements of § 30.12 have been met.

§ 30.35 Shipments between U.S. points in transit through Canada diverted to Canada.

When commodities being shipped in transit through Canada to other United States ports without the filing of a Shipper's Export Declaration (as provided in § 30.55) are diverted after leaving the United States, for import into Canada, Shipper's Export Declarations in accordance with the requirements of these regulations shall be filed with the Customs Director at the port of exportation by the exporter or his agent promptly upon such diversion.

§ 30.36 [Reserved]

§ 30.37 Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.

(a) Where it can be determined that particular types of U.S. Government shipments, or shipments for Government projects, are of such nature that they should not be included in the export statistics, and further, where no detriment to the export control program would be involved, special arrangements can sometimes be made to waive compliance with specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declaration. Such exceptions will be made only upon application by the exporter and specific authorization to the Customs Director and the exporter for the particular project or shipment, approved by both the Bureau of the Census and the Office of Export Administration, and will be conditioned upon a prescribed identification which must appear upon the declarations. The particular types of shipments for which such exceptions may be possible are as follows:

(1) Shipments to a contractor under a Department of Defense or other armed service contract for the construction of facilities for the use of the U.S. armed services.

(2) Temporary exports by or to U.S. Government agencies.

(3) Shipments of supplies and material to contractors in the Panama Canal Zone for the construction and/or maintenance of the Panama Canal Zone and its facilities.

(b) Special exemptions to specific portions of the requirements of § 30.7 with respect to the reporting of detailed information on the Shipper's Export Declaration may also be granted by the Bureau of the Census with the concurrence of the Office of Export Administration for certain Department of Defense shipments, or shipments made on behalf of the Department of Defense, to foreign governments under the cash reimbursable provisions of the Mutual Defense Assistance Program (military sales), if and when arrangements have been made for the Bureau of the Census to obtain the desired statistical information other than through the reporting of complete commodity detail on the Shipper's Export Declaration.

§ 30.38 [Reserved]

§ 30.39 Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.

(a) A Customs Director, if he finds that no administrative difficulties are involved, may authorize the filing of one Shipper's Export Declaration per month, in lieu of a declaration for each shipment as required by § 30.6, for the following types of frequently recurring shipments by air from a single consignor from one U.S. airport to one country of destination and one port of unlading via a single airline:

(1) Newspapers and magazines.

(2) Newsreel films, mats, proofs, etc.

(3) Airline timetables being shipped by the airline.

(4) Shipments of registered carrier stores by a United States or Canadian airline to each of its installations or agents abroad which are exported under General License RCS of the Export Administration Regulations set forth in § 371.12(d) of this title. Such authorization will be subject to the requirement that a declaration covering all such shipments made during the month named on the declaration will be filed by the consignor with the Customs Director no later than the fifth working day of the month following the month covered, and also except for shipments under paragraph (a)(4) of this section, subject to the requirement that a Continuation Sheet or other attachment filed with the declaration will list the names of the individual consignees and the number of items shipped to each.

(b) In addition to the procedures authorized in paragraph (a) of this section, the Bureau of the Census, with the concurrence of the Office of Export Administration, may, on an individual case basis, authorize exemption from the requirement of § 30.6 that an export declaration be filed for each shipment, the exemption to be conditioned upon the filing, after the close of each month, of a single export declaration or other statistical report, in an approved format including punch cards, computer tapes, etc., covering shipments made during the month to all destinations except countries in country groups S and Z, as defined in the Export Administration Regulations of the Office of Export Administration (Parts 368–399 of this title),[7] as follows:

(1) Application for permission to file export information on a monthly basis may be made directly to the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, with a copy sent to the Office of Export Administration, Bureau of East-West Trade, Washington, D.C. 20230.

---

[7] Country groups are established and maintained by the Office of Export Administration. See Export Administration Regulations (15 CFR Parts 368–399) for lists of countries included in each country group.

(2) Authorization will be issued only when in the judgment of the Bureau of the Census complete and accurate information will be available on a monthly basis from the records of the applicant, and where the exemption from the filing of a Shipper's Export Declaration for individual shipments represents a reduction of reporting procedure in the individual case. (In general, these special reporting procedures will be limited to shippers who, on a continuing basis, make at least twenty (20) shipments per month out of an individual port by each of any one or more methods of transportation, and who are able to furnish summary data each month in all the detail required for statistical processing in terms of the various classifications and cross-classifications now required for statistical purposes, such as commodity data by port, by method of transportation and/or by name of carrier.) Where export control is a consideration, such authorizations will be granted when in the judgement of the Office of Export Administration the applicant also has demonstrated that it has established adequate internal operating procedures and has taken other satisfactory safeguards to assure compliance with Export Administration Regulations without government review of individual declarations.

(3) (i) Procedures for clearing individual shipments through Customs without the presentation of a declaration, and the exact type of monthly or other report to be delivered, will be discussed and specifications developed in connection with each application.

(ii) Such authorizations will be subject to the requirement that declarations or other approved summarizations containing the necessary statistical information for all such shipments made during a given month will be submitted no later than the fifth working day of the month following the month of export. Moreover, records must be maintained in such a manner that the Bureau of the Census, the Office of Export Administration, or the U.S. Customs Service may, if desired, verify that a given shipment was, in fact, included in a particular monthly report.

(c) Authorization for the filing of monthly declarations or other summarizations under paragraphs (a) and (b) of this section may be terminated at any time.

(d) Part 386 of the Department of Commerce Export Administration Regulations contains complete information on the requirements of the Office of Export Administration in connection with the granting of authorizations for the filing of monthly summaries of export shipments.

§ 30.40 Single declaration for multiple consignees.

As a further exception to the requirements of § 30.6, shipper's are authorized, subject to the approval of the Customs Director, to file one Shipper's Export Declaration (in duplicate) for all shipments, other than those made to U.S. Government agencies, offices, establishments, or representatives of any of these, which are laden on one vessel or aircraft and destined to go to one port in Puerto Rico, American Samoa, the Virgin Islands of the United States, or the Canal Zone. For such shipments no consignee information need to be furnished whether such shipments are made to one or several consignees.

§ 30.41 "Split shipments" by air.

When a shipment by air covered by a single Shipper's Export Declaration is divided by the exporting transportation company at the port where the declaration is filed, and part of the shipment is exported on one aircraft and part on another aircraft of the same transportation company, the following procedure shall apply:

(a) The carrier will deliver the manifest copy of the declaration to the District Director of Customs with the manifest covering the flight on which the first part of the split shipment is exported, and will make no changes on the declaration. However, the manifest will show in the "number of packages" column the actual portion of the declared total quantity being carried and will carry a notation to indicate "Split Shipment."

(b) On each subsequent manifest covering a flight on which any part of a split shipment is exported, a prominent notation "SPLIT SHIPMENT" will be made adjacent to the item on the manifest for ready identification. For the last shipment the notation will read "SPLIT SHIPMENT, FINAL."

Each subsequent manifest covering a part of a split shipment shall also show in the "number of packages" column only the merchandise carried on that particular flight and a reference to the total amount originally declared for export, e.g., 5 of 11, or 5/11; and immediately following the line showing the portion of the split shipment carried on that flight, a notation will be made showing the air waybill number shown on the original Shipper's Export Declaration and the portions of the originally declared total carried on each previous flight together with the number and date of each such previous flight, e.g., original Shipper's Export Declaration AWB 123; 2 of 11 flight 36A, June 6; 4 of 11, flight 40X, June 10.

(c) Export declarations will not be required for these subsequent shipments.

Subpart D—Exemptions From the Requirements for the Filing of Shipper's Export Declarations

§ 30.50 Procedure for shipments exempt from the requirements for Shipper's Export Declarations.

Except as provided below, where an exemption from the requirement for the filing of a Shipper's Export Declaration is provided in this subpart, a notation describing the basis for the exemption shall be made on the bill of lading, air waybill, or other loading document for carrier use, with a reference to the number of the section in this part where the particular exemption is provided so that the carrier at the time of lading, and the Customs Director at the time of exportation, may verify that no declaration is required. If none of the above named documents is used, the person transporting the merchandise must be prepared to identify to the Customs Director at the port of exportation, at the time of exportation but prior to departure, any merchandise which is exempt from the requirement for the filing of a Shippers' Export Declaration and explain to the Customs Director the basis for the exemption. Where shipments are exempt from the requirement for Shipper's Export Declarations on the basis of value and destination, the appearance of the value and destination on the bill of lading, air waybill, or other loading document for carrier use, shall be acceptable as evidence of the exemption, and no reference need be made to the particular section of these regulations where the exemption is provided.

§ 30.51 Government shipments not generally exempt.

Except as provided below in this subpart, Shipper's Export Declarations are required for exports by or to U.S. Government agencies, whether or not shipped on a Government bill of lading. No general exemption is provided for Government shipments, as such.

§ 30.52 Special exemptions for shipments to the U.S. armed services.

Shipper's Export Declarations are not required for the following types of shipments to the U.S. armed services:

(a) All commodities, whether shipped commercially or through Government channels, consigned to the U.S. armed services for their exclusive use, including shipments to armed services exchange systems. (This exemption does not apply to shipments which are for the ultimate use of the U.S. armed services but which are not consigned to the U.S. armed services. However, special exceptions to the requirements of these regulations which may in some circumstances apply to shipments for the ultimate use of the U.S. armed services but not so consigned are provided in § 30.37.)

(b) Department of Defense Military Assistance Program Grant-Aid shipments being transported as Department of Defense cargo under the provisions of Customs Circular Letters VES–5–MA, March 8, 1954 (MC 133), VES–5–MA, June 17, 1954 (MC 133 S.1), VES–5–MA, May 24, 1956 (MC 133 S.2) and RES–20–MC, January 25, 1960 (CC 76). Under arrangements with the Department of Defense, information on these shipments for inclusion in U.S. export statistics will be furnished directly to the Bureau of the Census by the Department of Defense. This exception from the filing of Shipper's Export Declarations does not apply to Military Assistance Program Grant-Aid shipments to which a foreign government has taken title before exportation or to any Grant-Aid Military-Aid Program shipment moving in any manner other than as Department of Defense cargo. (See § 30.37 for possible

exceptions to the full reporting requirements of § 30.7 for certain military sales shipments not exempt from the requirement for the Shipper's Export Declaration.)

§ 30.53 Special exemptions for certain shipments to U.S. Government agencies and employees.

Shipper's Export Declarations are not required for the following types of shipments to U.S. Government agencies and employees:

(a) Office furniture, office equipment, and office supplies shipped to and for the exclusive use of U.S. Government offices.

(b) Household goods and personal property shipped to and for the exclusive and personal use of U.S. Government employees.

(c) Food, medicines, and related items and other commissary supplies shipped to U.S. Government offices or employees for the exclusive use of such employees, or to U.S. Government employee cooperative or other associations for subsequent sale or other distribution to such employees.

(d) Books, maps, charts, pamphlets, and similar articles shipped by U.S. Government offices to U.S. or foreign libraries, Government establishments or similar institutions.

(e) All commodities shipped to and for the exclusive use of the Panama Canal Zone Government or the Panama Canal Company.

§ 30.54 Special exemptions for mail shipments.

Shipper's Export Declaration are not required for the following kinds of shipments by mail:

(a) Shipments (except shipments requiring a validated export license) where one or more of the following conditions are present:

(1) Either the consignor or the consignee is not a business concern.

(2) The shipment is valued at $250 or under.

(3) The goods are not mailed for commercial consideration.

(b) Technical data regardless of value, licensing requirements, and the other criteria set forth in paragraph (a) of this section.

§ 30.55 Miscellaneous exemptions.

Shipper's Export Declarations are not required for the following kinds of shipments:

(a) Diplomatic pouches and their contents.

(b) Human remains and accompanying appropriate receptacles and flowers.

(c) Shipments from one point in the United States to another thereof by routes passing through Mexico or Canada.

(d) Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.

(e) Shipments, other than by vessel, of merchandise for which no validated export licenses are required, transported in bond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival.

(f) Shipments to foreign libraries, Government establishments, or similar instiutions, as provided in § 30.53(d).

(g) Shipments of single gift parcels as encompassed by Office of Export Administration General License GIFT.

(h) Shipments (except shipments requiring a validated export license) between the United States and Puerto Rico, to American Samoa and the Virgin Islands of the United States, and to all countries except countries included in country groups S, W, Y, and Z, as defined in the Export Administration Regulations of the Office of Export Administration (15 CFR Parts 368–399),* where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is $250 or under: *Provided, however,* That this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on $250-and-under shipments.

(i) Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.

(j) Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.

(k) Shipments for use in connection with NASA tracking systems under Office of Export Administration Project License DL–5355–S.

(l) Shipments of aircraft parts and equipment, and food, saloon, slop chest, and related stores, provisions, and supplies for use on aircraft, by a U.S. airline to its own installations, aircraft, and agents abroad, under Department of Commerce, Office of Export Administration General License RCS.

§ 30.56 Conditional exemptions.

Shipper's Export Declarations are not required for the following classes of commodities when they are not shipped as cargo under a bill of lading or an air waybill and do not require a validated export license, but the exporter should be prepared to make oral declaration to the Customs Director, if required:

(a) Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft, such as:

(1) Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.

(2) Usual and reasonable kinds and quantities of furniture, household effects household furnishings, and their containers.

(3) Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

Provided, That the above-indicated baggage and personal effects (i) shall include only such articles as are owned by such person or members of his immediate family; (ii) shall be in his possession at the time of or prior to his departure from the United States for the foreign country; (iii) are necessary and appropriate for the use of such person or his immediate family; (iv) are intended for his use or the use of his immediate family; and (v) are not intended for sale.

(b) Tools of trade of persons leaving the United States covering usual and reasonable kinds and quantities of implements, instruments and tools of trade, occupation, or employment and their containers. *Provided,* That the above-indicated tools of trade (1) shall include only such articles as are owned by such persons; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

(c) Carriers' stores (including merchandise carried in shops aboard carriers for sale to passengers), supplies, and equipment for departing vessels, planes, or other carriers, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country, and including usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the carrier when necessary for proper operation of such carrier and not intended for unlading in a foreign country. Hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while enroute to a foreign destination are considered part of carriers' stores of carrying vessels, trains, planes, etc.

(d) Dunnage of usual and reasonable kinds and quantities necessary and appropriate to stow or secure cargo on the outgoing or any immediate return voyage of an exporting carrier, when exported solely for use as dunnage and not intended for unlading in a foreign country.

§ 30.57 Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.

(a) In those cases where Shipper's Export Declarations are required for articles enumerated in § 30.56 (a) through (d) only by virtue of their being shipped under a bill of lading or an air waybill

*Country groups are established and maintained by the Office of Export Administration. See Export Administration Regulations (15 CFR Parts 368–399) for lists of countries included in each country group.

(no validated license is required) the export declaration should clearly show in the column for commodity description, in lieu of the complete commodity description a statement that the shipment consists of baggage, personal effects, household effects, ship's stores, crew's effects, or as appropriate. In such cases, Schedule B commodity numbers should not be shown on the declarations.

(b) In those cases where the articles enumerated in § 30.56 (a) through (d) require a validated export license (whether or not shipped under a bill of lading or an air waybill) the Shipper's Export Declaration must identify the shipment as baggage, personal effects, etc., and must contain all the information normally required for any exportation made under a validated export license, i.e. complete commodity description, license number, Schedule B number, quantity, value, etc.

Subpart E—General Requirements—Importers

§ 30.70 Statistical information required on import entries.

Information for statistics on merchandise entering the United States from foreign countries, from the Virgin Islands of the United States, and from U.S. Foreign Trade Zones is required to be reported by importers on the following Customs entry and withdrawal forms respectively required by U.S. Customs regulations for individual transactions: Customs Forms 7500, 7501, 7502, 7505, 7506, 7519, 7521, and 7535, and Customs Form 7512 when used to document withdrawal for exportation, transportation and exportation, withdrawal for transportation and exportation, and immediate export. The following items of information for statistics shall be reported on the respective forms:[9]

(a) *District and Port Code.* (All forms.) The Customs district code number and the port code number (as shown in Schedule D, *Classification of Customs Districts and Ports*) for the Customs port of entry or filing shall be supplied. (Where Customs does not require that the District and Port codes be inserted by importers, the codes will be filled in by Customs so that all entries and withdrawals received by the Bureau of the Census will bear these codes.)

(b) *Importing vessel or carrier.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) Information is required as to the carrier or means of transportation by which the merchandise was transported from a foreign country to the first port of unloading in the United States. If the merchandise has been further transported in bond between ports in the United States after having been unladen from the carrier on which it arrived in the United States, the name of the domestic carrier shall not be substituted, and the information furnished shall reflect the name of the carrier or means of transportation by which the merchandise arrived in the first U.S. port of unlading.

(2) For merchandise arriving in the United States by vessel, the name of the importing vessel is required. The importing vessel is the vessel which transported the merchandise from the foreign port of lading to the first U.S. port of unlading.

(3) For merchandise arriving in the United States by air, the name and nationality of the importing airline is required. The importing airline is the airline which carried the merchandise from the foreign port of lading to the first U.S. port of unlading, and not a domestic airline carrying the merchandise after the initial unlading in the United States.

(4) For merchandise arriving in the United States by means of transportation other than vessel or air, the means of transportation from the foreign country is required, in such terms as "parcel post," "registered mail," "railroad," "trucks," "pipeline," etc.

(c) *Foreign port of lading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft that carried the merchandise to the United States is required. For shipments originating in either Canada or Mexico, and arriving in the United States from Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, supply the name of the province (Canada) or state (Mexico) where the merchandise was first loaded for exportation to the United States.

(2) For merchandise transshipped overseas in the course of shipment to the United States, whether or not covered by a through bill of lading, the information furnished shall reflect only the foreign port at which the merchandise was loaded on the vessel, aircraft, or other carrier which transported it to the first U.S. port of unlading. Neither the foreign port of original lading nor any port of lading other than the last foreign port of lading shall be substituted. When a single Customs form covers merchandise loaded at more than one foreign port, the foreign port of lading shall be indicated separately above each item (or group of items) for the merchandise loaded at each foreign port.

(d) *U.S. port of unlading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the U.S. port (as listed in Schedule D) at which the merchandise was unloaded from the importing vessel or aircraft is required, whether or not such port is a Customs port of entry. (For example, if entry is filed at the Port of Los Angeles for merchandise unloaded from the importing vessel at Long Beach, California, the entry should show Long Beach as the port of unlading.)

(2) When merchandise is transported in bond from the U.S. port where unladen from the importing vessel or carrier to another U.S. port or ports to be entered for consumption or warehouse, the port of unlading required to be shown on the consumption or warehouse entry is the port or point where the merchandise was unladen from the importing vessel or carrier before transportation in bond.

(e) *Date of importation.* (All forms.) For merchandise arriving in the United States by vessel, the month, day, and year on which the importing vessel transporting the merchandise from the foreign country arrived within the limits of the U.S. port at which the merchandise was or is to be unladen is required. The date of importation to be reported for merchandise arriving in the United States other than by vessel is the date on which the merchandise arrives within the limits of the United States.

(f) *Country of origin.* (1) (All forms.) Country of origin shall be reported in the "marks and numbers and country of origin" column on entry and withdrawal forms (in the "marks and numbers" column on Forms 7512 and 7500), the "country of origin" space on the Special Customs Invoice form, and in a conspicuous place on commercial invoices supplied to Customs where the Special Customs Invoice form is not required. On multipage entries, country of origin should be shown on each page.

(2) Country of origin shall be reported in terms of the names designated in Schedule C, "Classification of Country Designations For U.S. Foreign Trade Statistics," unless a more specific geographic area is required to be shown for other purposes. The country of origin is defined as the country in which the product was mined, grown or manufactured. Further labor, work or material added to an article in another foreign country or the Virgin Islands of the United States must effect a substantial transformation in order to render such other country the "country of origin." Such substantial transformations include smelting of ores, refining of crude products, and the like. The country of origin is not changed when the merchandise is subjected in another country merely to minor manipulations, such as sorting, grading, and the like. When the merchandise is invoiced in or exported from a country other than that in which it originated, the actual country of origin shall be specified rather than the country of invoice or exportation. The country of origin for imports of scrap and waste is the country in which the merchandise was reduced to scrap or waste. In the case of such commodities as industrial diamonds or antiques, if the origin of the merchandise is not known or cannot be ascertained with reasonable effort, the country from which the merchandise has been shipped shall be shown and shall be indicated as the "Country of Shipment."

(3) Except as provided below, the country of origin shown on import entries and withdrawals should be based on information furnished by the foreign supplier on import invoices. The importer

[9] The information required for statistical purposes is in most cases also required by Customs regulations for other purposes. (See § 30.80 for special reporting instructions for merchandise entering United States Customs Territory from United States Foreign Trade Zones.)

should inform his foreign supplier of the requirements and definitions of this section and instruct the foreign supplier to furnish information on the invoice as to country of origin in accordance with the above definition. If an invoice from the foreign supplier is not available at the time of entry, the importer shall enter the correct country of origin according to his best knowledge. In any case where the importer has reliable knowledge that the country of origin shown on the invoice is incorrect, he shall enter on the form the correct country of origin according to his best knowledge, indicating that it is a correction.

(4) When a single Customs form covers merchandise from more than one country of origin, the country of origin shall be indicated separately against each item (or group of items).

(g) *Description of merchandise.* (All forms.) Except on Customs Form 7512 when used as a Transportation and Exportation (T and E) or Immediate Exportation (I E) entry, the description of merchandise shall be in terms of the Tariff Act in accordance with the "Tariff Schedules of the United States Annotated for Statistical Reporting (TSUSA) and in sufficient detail to permit the identification of the TSUSA statistical reporting number to which each commodity properly belongs. The name of the commodity and any and all characteristics of the commodity which distinguish it from commodities of the same name covered by other TSUSA statistical reporting numbers shall be clearly and fully stated. For merchandise classified in TSUSA classifications for which the instruction "specify by name" is shown in TSUSA the specific name of the commodity or a further identifying description in addition to the description in the more general terms of the commodity classification definition is required. When Customs Form 7512 is used as a Transportation and Exportation or Immediate Exportation entry importers need only report in terms of the first five digits of TSUSA (i.e., in terms of TSUS).

(h) *Gross weight in pounds.* (Customs Forms 7501, 7502, 7512, and 7521, for merchandise transported to the United States by vessel or air only.) Gross shipping weight in pounds shall be reported in column (2a) immediately below the description of merchandise (in "Gross Weight in Pounds" column on Form 7512 on the same horizontal line with value). Separate gross weight information is required for the merchandise covered by each reporting number, but if gross weight is not available for each reporting number included in one or more packages, approximate shipping weight for each item shall be estimated and reported. The total of these estimated weights should equal the actual gross shipping weight of the entire package or packages. However, for containerized cargo carried in lift vans, cargo vans, or similar substantial outer containers, the weight of such containers should not be included in the gross shipping weight of the merchandise covered by each reporting number.

(i) *Net quantity.* (All forms except 7535.) When a unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity shall be reported in the specified unit, and (except where the unit is "No." (number)) the unit in which reported shall also be shown on the entry following the net quantity figure. In cases where two units of quantity are shown for the commodity in TSUSA, net quantity shall be reported on the import entry in each of the specified units with the unit indicated in each case. The quantity in terms of the unit marked with a superior "v" in TSUSA should be shown on the entry on the same horizontal line with the value. The quantity in terms of any other units specified in TSUSA should be shown below the first quantity and should be enclosed in parentheses. If no unit of quantity is specified in TSUSA for the reporting number under which the item is reported, net quantity is not required to be reported on the import entry, and an "X" shall be entered in the "net quantity" column. Where the unit of quantity specified in TSUSA is "tons," long tons of 2,240 pounds shall be reported unless short tons of 2,000 pounds are specified in TSUSA. Quantities shall be shown in whole units unless fractions of units are required for Customs purposes.

(j) *Value.* (All forms.) The dollar value shall be reported on the forms in accordance with the definitions set forth in the Tariff Schedules of the United States Annotated (TSUSA) and sections 402 and 402a of the Tariff Act of 1930, as amended. Moreover, the value shall be reported in accordance with the format prescribed in the U.S. Customs Regulations.

(k) *TSUSA reporting number.* (All forms.) Except on Customs Form 7512 when used as an in-transit entry, the reporting number according to the current edition of the Tariff Schedules of the United States Annotated shall be shown in the column provided on the form. The reporting number assigned shall reflect the correct TSUSA classification of the merchandise and be consistent with the rate of duty applicable to the commodity. Where correct reporting as indicated in TSUSA requires the use of more than one TSUSA commodity number, all required reporting numbers will be shown for an item on the Customs form. On Customs Form 7512 when used as a Transportation and Exportation or Immediate Exportation entry, the reporting number, the first five digits of TSUSA (TSUS), is required to be shown in the column provided on the form for "Description and Quantity of Merchandise." This code should appear to the right of that column, on the same line as the reported gross weight and value.

Subpart F—Special Provisions for Particular Types of Import Transactions

§ 30.80 Merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones.

The information for statistics on merchandise entering U.S. Customs Territory from U.S. Foreign Trade Zones to be reported on the Customs entry and withdrawal forms required by U.S. Customs Regulations is the same as that required to be reported for merchandise entering the United States directly from foreign countries, except as provided or more fully explained below.

(a) *Importing vessel or carrier.* (Customs Forms 7500, 7501, 7502, 7505, 7506, 7512 [10] and 7521.) Information is required as to the carrier (name of vessel or airline) or means of transportation by which the merchandise was transported from the foreign country to the U.S. Foreign Trade Zone. If an import entry covers merchandise which arrived at the Foreign Trade Zone in more than one vessel or aircraft, the name of the vessel or airline shall be indicated separately against each item (or group of items) comprising the cargo of each different vessel or aircraft.

(b) *Foreign port of lading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name and country of the foreign port at which the merchandise was loaded on the vessel or aircraft that carried it to the U.S. Foreign Trade Zone or to the first U.S. port of unlading prior to entry into the Zone is required. For shipments originating in either Canada or Mexico and arriving from Canada or Mexico by rail, truck, pipeline, or other nonvessel/non-air mode of transportation, the name of the province (Canada) or state (Mexico) where the merchandise was first loaded onto the carrier for exportation to the United States Foreign Trade Zone or to the United States prior to entry into the Zone is required.

(c) *U.S. port of unlading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name of the U.S. Foreign Trade Zone where the merchandise was unloaded from the vessel or aircraft or the first U.S. port of unlading where it was unloaded prior to entry into the Zone, as the case may be, is required.

(d) *Date of importation.* (All forms.) The month, day and year on which the importing vessel or carrier which transported the merchandise from the foreign country arrived at the U.S. Foreign Trade Zone at which it was unladen is required to be shown immediately following the name of the vessel or carrier. In such cases, the date required to be shown as the date of importation is the date the merchandise entered U.S. Customs Ter-

[10] Not required on Customs Form 7512 for merchandise being shipped in transit through the United States from a U.S. Foreign Trade Zone to a foreign country.

ritory from the U.S. Foreign Trade Zone. For "privileged foreign merchandise" the date required to be shown as date of importation is the date Customs Form 7502 was filed in application for privileged status.

§ 30.81 Imports of merchandise into Guam.

(a) Carriers of merchandise to Guam shall not be permitted to unload cargo in Guam until the master or other person in charge of the carrier shall deliver to the Government of Guam at the place of unloading a manifest, cargo list, freight list or equivalent document showing a detailed account of merchandise destined for Guam on board such carrier, with the numbers and description of the packages according to their usual name or designation.

(b) For each shipment imported into Guam except as listed in paragraph (d) of this section, the importer in Guam shall furnish to the Government of Guam at the port of entry of the merchandise at the time of or prior to taking possession of such merchandise, the commercial invoice covering the shipment attached to a copy of the bill of lading or air waybill signed by the carrier. (Where the shipment is one for which no bill of lading (or air waybill) is utilized only a copy of the commercial invoice need be furnished.) In individual cases, where warranted in the opinion of the Government of Guam, the Government of Guam may release merchandise to the consignee prior to receipt of the commercial invoice and/or bill of lading or air waybill in the case of perishable articles or other merchandise, the immediate delivery of which is necessary.

(c) Information concerning individual transactions furnished to the Government of Guam pursuant to these regulations may not be disclosed by those having possession of or access to any copies of such information for official purposes, to anyone other than the exporter or importer except as specifically directed by the Bureau of the Census.

(d) The following kinds of shipments are not to be included in the statistics on shipments from the United States to Guam and the documentation prescribed in paragraphs (a) and (b) of this section shall not be required for statistical purposes:

(1) Shipments to the U.S. Armed Forces;

(2) Shipments of office furniture, office equipment, and office supplies, to and for the exclusive use of U.S. Government offices;

(3) Baggage and personal effects, accompanied or unaccompanied, of persons leaving the U.S., and tools of trade, as described in § 30.56 (a) and (b).

§ 30.82 Identification of U.S. merchandise returned for repair and reexport.

Import entries covering U.S. merchandise imported temporarily for repair or alteration and reexport are required to show the following statement: "Imported for Repair and Reexport."

§ 30.83 Statistical copy of mail and informal entries.

A legible copy of all mail and informal entries is required for statistical purposes. In addition to the information required to be shown for customs purposes, the value is also required to be shown for all merchandise including that not subject to duty.

Subpart G—General Administrative Provisions

§ 30.90 Confidential information, import entries and withdrawals.

The contents of the statistical copies of import entries and withdrawals on file with the Bureau of the Census are treated as confidential and will not be released without authorization by the U.S. Customs Service, in accordance with the policy set forth in 19 CFR 103.4 (Customs Regulations) relating to the copies on file in Customs offices.

§ 30.91 Confidential information, Shipper's Export Declarations.

(a) *Confidential status.* The Shipper's Export Declaration is an official Department of Commerce form, prescribed jointly by the Bureau of the Census and the Bureau of East-West Trade. Information supplied thereon is confidential, for use solely for official purposes authorized by the Secretary of Commerce. Use for unauthorized purposes is not permitted. Information on Shipper's Export Declarations may not be disclosed to anyone except the exporter or his agent by those having posession of or access to any copy for official purposes, except as provided in paragraph (e) of this section.

(b) *Copying of information to manifests not permited.* Since certain types of information from the outward manifests of ocean carriers can be made public under the provisions of the Customs Regulations, carriers are not permitted to copy information to manifests (or to bills of lading used in lieu of a listing of cargo on a manifest) from Shipper's Export Declarations in their possession for official purposes, except for (1) the bill of lading number on the declaration, (2) information on the declaration which is identical with bills of lading or other sources of information available to the carrier, and (3) items of information which are required by Export Administration Regulations to be identical or consistent on both documents.

(c) *Supplying of copies by exporters for unofficial purposes not permitted.* The regulations in this part spell out precise definitions to be followed in reporting information on Shipper's Export Declarations. Strict adherence to these definitions is necessary if the official purposes for which the forms are required are to be effectively accomplished. Because of the possibility that for other purposes different definitions would be appropriate, the supplying by exporters of any copies (or of the information from copies) for any unofficial purpose is considered detrimental to official objectives and is not permitted.

(d) *Limitations on issuance and reproduction of copies.* Consistent with the policy stated in paragraph (c) of this section, and with the confidential status of the document generally, the following limitations are placed upon the issuance of copies to exporters or their agents:

(1) A copy of a Shipper's Export Declaration may be supplied to exporters or their agents only when such a copy is needed by the exporter to comply with: (i) official requirements for presentation of a copy to the exporting carrier as authorization for export, (ii) export control requirements, or (iii) U.S. Department of Agriculture requirements for proof of export in connection with subsidy payments. Copies issued to exporters or their agents under subdivisions (ii) or (iii) of this subparagraph will be stamped as follows by the Customs Director:

> Certified pursuant to the Export Administration Regulations or to fulfill the requirements of a Federal Agency and not for any other purpose. May not be reproduced in any form.

(2) Use of copies of the Shipper's Export Declaration in connection with claims for exemption from internal revenue taxes or state taxes is not permitted.

(e) *Determination by the Secretary of Commerce.* When the Secretary of Commerce determines that the withholding of information provided by an individual Shipper's Export Declaration is contrary to the national interest, he may make such information available, taking such safeguards and precautions to limit dissemination as he deems appropriate under the circumstances. In recommendations regarding such actions, the Bureau of the Census will, in general, consider that it is not contrary to the national interest to withhold information on Shipper's Export Declarations from private individuals or businesses (except the exporter or his agent) or from state or local government agencies or officials, regardless of the purposes for which the information may be requested. In recommendations regarding any other requests for access to official copies, a judgment in the light of circumstances will be made as to whether it is contrary to the national interest to withhold the information, keeping in view that the maintenance of confidentiality has in itself an important element of national interest.

§ 30.92 Statistical classification schedules.

The following statistical classification schedules referred to in the regulations in this part are hereby incorporated by reference. Information as to where copies may be obtained is indicated. Copies are available for public inspection at the offices of local Customs Directors and Department of Commerce District Offices.

TSUSA—Tariff Schedules of the United States Annotated for Statistical Reporting, as currently revised, shows the 7-digit statistical reporting number to be used in preparing import entries and withdrawal forms. TSUSA may be purchased from the Superintendent of Documents, U.S. Government

Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce District Offices located in principal cities. Purchase price includes the basic schedule plus revisions as currently issued for an indefinite period.

Schedule B—Statistical Classification of Domestic and Foreign Commodities Exported from the United States, as currently revised, shows the detailed commodity classification requirements and 7-digit statistical reporting numbers to be used in preparing Shipper's Export Declarations, as required by these regulations. Schedule B may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Directors, or Department of Commerce District Offices located in principal cities. Purchase price includes the basic schedules and supplements issued irregularly, covering revisions in the schedule for an indefinite period.

Schedule C—Classification of Country Designations For U.S. Foreign Trade Statistics. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule D—Classification of Customs Districts and Ports. Free from the Bureau of the Census, Washington, D.C. 20233.

Schedule P—Commodity Classification for Reporting Shipments from Puerto Rico to the United States. Free from the Bureau of the Census, Washington, D.C. 20233.

§ 30.93 Emergency exceptions.

In individual cases of emergency, where strict enforcement of the regulations in this part would create undue hardship, the Foreign Trade Division of the Bureau of the Census, with the concurrence of the Office of Export Administration in cases where export control requirements are also involved, may authorize such postponements of or exceptions to the requirements of the regulations in this part as are warranted by the circumstances and not inconsistent with the aims of this chapter.

§ 30.94 Instructions to Customs.

Instructions of a continuing nature to Customs with respect to the forwarding of statistical copies of forms and the preparation of special statistical reports not involving requirements upon the public will not be included in the regulations in this part, but will, instead be transmitted to Customs through appropriate administrative channels.

§ 30.95 Penalties for violations.

Any person who violates any provisions of this part, except for violations of the provisions relating to delayed filing of documents under bond as provided by § 30.24, shall be liable to the United States in civil penalty not exceeding $1,000 for each violation, as authorized by section 305 of chapter 9 of title 13 of the United States Code.

VINCENT P. BARABBA,
Director, Bureau of the Census.

I concur: February 13, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6103 Filed 3-2-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0029]

ANIMAL DRUG PROCEDURE

Reorganization and Republication; Correction

In FR Doc. 75-7951 appearing at page 13802 in the issue of March 27, 1975, the following corrections are made:

1. In the conversion table appearing on page 13802:

a. The entry in the third column "135c.37____548.112b(c)" is changed to read "135c.37____548.112a(c)."

b. The entry in the last column "135d.13____540.874d(c)" is changed to read "135d.13____540.874e(c)."

c. The entry "135e.18____558.225" is inserted numerically in the last column.

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

2. In Part 520, appearing on page 13841 in the last column, "§ 540.540a *Dexamethasone powder*" is changed to read "520.540a *Dexamethasone powder*."

3. In § 520.2380a appearing on page 13855:

a. In paragraph (c)(1) the reference "(e)(1)" is changed to read "(e)(1)(i)."

b. In paragraph (c)(2) the phrase "paragraph (e) of this section and §§ 520.2380b and 520.2380c" is changed to read "paragraph (e)(1)(ii) of this section."

(c) In paragraph (e)(1)(ii) (*a*) (*1*), the phrase "*Oxyuris, Strongyloides*, and *Parascaris*" is changed to read "*Oxyuris*, and *Strongyloides*."

d. Paragraph (e)(1)(ii)(*b*)(*1*) should read "(*1*) *Indications for use.* For control of ascarids of the genus *Parascaris*."

e. In paragraph (e)(2)(ii), the word "block" is inserted after the word "percent."

f. In paragraph (e)(2)(iii), the phrase "members of the" in the 3rd line, and the word "species" in the last line, are deleted.

g. In paragraph (e)(2)(iv), in the 3rd, 4th, 5th, and 6th lines, the phrase "when 3.3 percent is consumed at the recommended level of 0.11 pound per 100 pounds of body weight per day," is deleted.

4. In § 520.2380b appearing at page 13855, paragraph (c) is revised and paragraph (e) is amended by revising the introductory text of (e)(3), the text of (e)(3)(i)(*a*) and (e)(3)(ii)(*a*), and by adding new (e) (4) and (5) to read as follows:

§ 520.2380b Thiabendazole drench or oral paste.

* * * * *

(c) *Sponsor.* See No. 000006 in § 510.-600(c) of this chapter for the sponsor of the usages provided for by paragraph (e) of this section.

* * * * *

(e) * * *

(3) *Cattle.* Orally as a drench and in paste form using a dosing gun designed for the product.

(i) * * *

(*a*) *Indications for use.* Control of infections of gastrointestinal roundworms (*Trichostrongylus spp., Haemonchus spp., Nematodirus spp., Ostertagia spp.*, and *Oesophagostomum radiatum*).

* * * * *

(ii) * * *

(*a*) *Indications for use.* Control of infections of *Cooperia spp.* or severe infections of other species in paragraph (e)(3)(i)(*a*) of this section.

* * * * *

(4) *Sheep and goats.* Orally, as a drench.

(i) *Amount.* 2 grams per 100 pounds of body weight.

(ii) *Indications for use.* Control of infections of gastrointestinal roundworms in sheep and goats (*Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.*, and *Oesophagostomum spp.*); also active from 3 hours to 3 days following treatment against ova and larvae passed by sheep (good activity against *Trichostrongylus colubriformis* and *axei, Ostertagia spp., Bunostomum spp., Nematodirus spp.*, and *Strongyloides spp.*; less effective against *Haemonchus contortus* and *Oesophagostomum spp.*)

(iii) *Limitations.* As a single oral dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; in severe infections in sheep, treatment should be repeated in 2 to 3 weeks.

(5) *Goats.* Orally, as a drench.

(i) *Amount.* 3 grams per 100 pounds of body weight.

(ii) *Indications for use.* Control of severe infections of gastrointestinal roundworms (*Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.*, and *Oesophagostomum spp.*).

(iii) *Limitations.* As a single oral dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; treatment should be repeated in 2 to 3 weeks.

5. In § 520.2380c appearing on page 13856:

a. Paragraph (c) is revised to read as follows:

§ 520.2380c Thiabendazole bolus.

* * * * *

(c) *Sponsor.* See No. 000006 in § 510.-600(c) of this chapter.

* * * * *

b. Paragraph (e) is amended in (e) (1) by deleting the phrase "or in liquid form" after the heading *"Cattle";* in (e) (1) (i) (*b*) and (i) (b) by deleting the phrase "as a drench or bolus;"; in (e) (2) by deleting the phrase "or in liquid form" after the heading *"Sheep and goats";* in (e) (2) (iii) by deleting the phrase "as a drench or bolus;"; in (e) (3) by deleting the phrase "or in liquid form" after the heading *"Goats";* and in (e) (3) (iii) by deleting the phrase "as a drench or bolus;".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

6. In § 522.1720 appearing on page 13868 in the second column, the fourth line of paragraph (b) (2) is changed by inserting "000693" between "000864" and the word "and."

7. In § 522.2063(c) (2) appearing in the second column on page 13870, in the third from last line of that paragraph, the number "10" is changed to read "100" so that the line reads "milligrams per 100 pounds of body weight." This error was introduced typographically in the original publication of the regulation under § 135b.75 in the FEDERAL REGISTER of March 12, 1973 (38 FR 6669), and inadvertently reintroduced in the recodification of animal drug procedures.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

8. In § 540.265b appearing at page 13901, in the first column on page 13902 the designation of paragraph (c) (3) (iv) is changed to paragraph (c) (3) (iii).

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

9. In § 555.310g(a) (1) appearing on page 13942, in the second and third lines from the last line in that paragraph, the words "Division of Biologics Standards, National Institutes of Health," are changed to read "Bureau of Biologics, Food and Drug Administration,".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

10. In § 558.95 appearing on page 13983:

a. In the second line of paragraph (b) and in the fourth and seventh lines of paragraph (c), the word "bambermycin" is changed to read "bambermycins."

b. In the first line of paragraph (d), "§ 556.380" is changed to read "§ 556.80."

11. In § 558.635 appearing on page 13993, in paragraph (f) (2) (ii) and (3) (ii), the statement "Over 120 pounds" is changed to read "Up to 120 pounds."

Dated: February 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6017 Filed 3-2-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-290V) filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, proposing that the requirements of section 512(m) of the act need not apply to the manufacture of swine feeds containing 800 grams per ton of pyrantel tartrate when processed from supplements containing not more than 0.881 percent (8,000 grams per ton) of pyrantel tartrate. The supplemental application is approved, effective March 3, 1976.

The Commissioner is amending Part 558 to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.485 is amended by adding a new paragraph (d) (4) as follows:

§ 558.485 **Pyrantel tartrate.**

* * * * *

(d) * * *

(4) Complete feeds processed from feed supplements that contain not more than 0.881 percent of pyrantel tartrate and that comply with the provisions of paragraph (e) (3) of this section are not required to comply with the provisions of section 512(m) of the act.

* * * * *

Effective date. This regulation shall be effective March 3, 1976.

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

Dated: February 25, 1976.

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

[FR Doc.76-6018 Filed 3-2-76;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-892]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

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

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

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

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Illinois	Dewitt	Clinton, city of	Feb. 17, 1976, emergency	May 24, 1974	170193
New York	Schoharie	Cobleskill, town of	do	Dec. 20, 1974	361573A
Do	Westchester	Somers, town of	do	do	361242
Pennsylvania	Luzerne	Buck, township of	do	do	421824
Do	Westmoreland	Delmont, borough of	do	Nov. 22, 1974	422177
Do	Susquehanna	Middletown, township of	do	Apr. 11, 1975	422088
Do	Franklin	Warren, township of	do	Jan. 24, 1975	422427
Do	Huntingdon	West, township of	do	Jan. 17, 1975	421706
Virginia	Accomack	Onancock, town of	do	Jan. 31, 1975	510298
*	*	*	*	*	*
Connecticut	Windham	Danielson, borough of	Feb. 17, 1976, emergency	Jan. 24, 1975	090169
Georgia	Barrow	Statham, town of	do	Apr. 4, 1975	130275A
				Feb. 13, 1976	
Kentucky	Webster	Slaughters, city of	do	Aug. 16, 1974	210225
Maine	Piscataquis	Wellington, town of	do	Jan. 10, 1975	230416
Minnesota	Sherburne	Big Lake, city of	do	Jan. 17, 1975	270663
North Dakota	Renville	Stafford, township of	do		[1] 380306
Oklahoma	McClain	Blanchard, city of	do	Sept. 13, 1974	400101A
				Jan. 23, 1976	
Pennsylvania	Clearfield	Bell, township of	do	Dec. 20, 1974	421513
Do	Huntingdon	Penn, township of	do	Dec. 6, 1974	421698
Texas	Bandera	Bandera, city of	do	Apr. 12, 1974	480021A
				Dec. 19, 1974	
Washington	Snohomish	Arlington, city of	do	June 27, 1975	530271
*	*	*	*	*	*
Georgia	Upson	Unincorporated areas	Feb. 18, 1976, emergency		130407
Kansas	Pottawatomie	Belvue, city of	do	Nov. 29, 1974	200270
Do	Linn	Blue Mound, city of	do	Jan. 17, 1975	200195
Maine	Kennebec	Litchfield, town of	do	Feb. 7, 1975	230238
Missouri	Phelps	Doolittle, city of	do	Feb. 14, 1975	290727
Nebraska	Otoe	Douglas, village of	do	Nov. 29, 1974	310162
New York	Madison	Canastota, village of	do	Mar. 29, 1974	360393
Do	Steuben	Hornby, town of	do	Feb. 21, 1975	361211
Do	Westchester	North Salem, town of	do	Jan. 31, 1975	361240
North Carolina	Burke	Valdese, town of	do	July 25, 1975	370298
Ohio	Crawford	Crestline, city of	do	July 11, 1975	390091
Do	Pike	Unincorporated areas	do	Jan. 3, 1975	390450
Do	Lake	Willowick, city of	do	Aug. 15, 1975	390324A
Oklahoma	Caddo	Lookeba, town of	do	Oct. 25, 1974	400025A
				Dec. 12, 1975	
Pennsylvania	Washington	Burgettstown, borough of	do	Jan. 23, 1974	420847
Do	Perry	Carroll, township of	do	Jan. 24, 1975	421949
Do	Beaver	Chippewa, township of	do	Dec. 27, 1974	422311
Do	Venango	Clinton, township of	do	Jan. 17, 1975	422531
Do	Indiana	Green, township of	do		421718
Do	York	Heidelberg, township of	do	Jan. 10, 1975	422221
Do	Somerset	Jenner, township of	do	Jan. 24, 1975	422051
Do	Mercer	Jamestown, borough of	do	Jan. 3, 1975	422481
Do	Beaver	Midland, borough of	do	Jan. 31, 1975	422321
Do	Erie	Mill Village, borough of	do	Apr. 11, 1975	422417
Do	Clarion	Piney, township of	do	Jan. 17, 1975	422374
Do	Warren	Pittsfield, township of	do	Nov. 8, 1974	422125
Do	Beaver	Raccoon, township of	do	Aug. 2, 1974	421220
Do	Centre	Snow Shoe, borough of	do		421459
Do	Lawrence	South New Castle, borough of	do	Jan. 17, 1975	422467
Do	Luzerne	Union, township of	do	do	421836
Do	Erie	do	do	Dec. 13, 1974	421370
South Dakota	Gregory	Dallas, town of	do	Apr. 25, 1975	460108
Vermont	Lamoille	Morrisville, village of	do		[1] 500327
Wisconsin	Monroe	Unincorporated areas	do		550571
*	*	*	*	*	*
Alabama	Bullock	Unincorporated areas	Feb. 19, 1976, emergency	Mar. 28, 1975	010231
California	Modoc	do	do	Jan. 24, 1975	060192
Florida	Polk	Dundee, town of	do		120409
Maine	Lincoln	Bremen, town of	do	Jan. 31, 1975	230214
Massachusetts	Essex	Middleton, town of	do	Dec. 6, 1974	250094
Michigan	Calhoun	Leroy, township of	do		260655
Montana	Wheatland	Harlowton, city of	do		300175
New Jersey	Burlington	Woodland, township of	do	Apr. 25, 1975	340551
New York	Franklin	Harrietstown, town of	do	Jan. 10, 1975	361124
Do	Essex	Jay, town of	Feb. 13, 1976, emergency	Nov. 8, 1974	360265
North Dakota	Sargent	Milnor, city of	Feb. 19, 1976, emergency	Jan. 17, 1975	380239
Oklahoma	Comanche	Sterling, town of	do	Jan. 10, 1975	400414
South Carolina	Hampton	Scotia, town of	do	Feb. 21, 1975	450101
West Virginia	Pleasants	Belmont, town of	do	do	540253
Wisconsin	Sauk	Loganville, village of	do	Sept. 6, 1974	550397
*	*	*	*	*	*
Arkansas	Perry	Casa, city of	Feb. 20, 1977, emergency	July 11, 1975	050395
Connecticut	Litchfield	Kent, town of	Feb. 13, 1976, emergency	Jan. 3, 1975	090186
Illinois	Bureau	Dalzell, village of	Feb. 20, 1976, emergency	Mar. 28, 1975	170851
Maine	Oxford	Stow, town of	do	Jan. 24, 1975	230186
Michigan	Barry	Rutland, township of	Feb. 13, 1976, emergency		260656
Ohio	Erie	Unincorporated areas	Feb. 20, 1976, emergency	Jan. 31, 1975	390153
Pennsylvania	Butler	Fairview, township of	do	Jan. 24, 1975	422603
South Carolina	Hampton	Brunson, town of	do	May 31, 1974	450096A
				Nov. 14, 1975	
New Jersey	Morris	Chatham, borough of	Jan. 28, 1972, emergency	June 1, 1973	340338A
			Feb. 14, 1976, regular		
Massachusetts	Barnstable	Truro, town of	Nov. 20, 1971, emergency	Apr. 20, 1973	255222
			Apr. 20, 1973, regular		
			Mar. 31, 1976, suspended		
Do	Worcester	Gardener, city of	Sept. 4, 1975, emergency	Sept. 6, 1974	250305
			Mar. 31, 1976, suspended		

[1] New.

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

Issued: February 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-5881 Filed 3-2-76;8:45 am]

[Docket No. FI-894]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

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

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

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

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Jefferson	Adamsville, city of	Feb. 23, 1976, emergency	Jan. 17, 1975	010267
Indiana	Henry	Springport, town of	do	Feb. 1, 1974	180347
Iowa	Woodbury	Moville, city of	do		190293
Kansas	Phillips	Glade, city of	do	Dec. 27, 1974	200263
Louisiana	St. Helena	Greensburg, town of	do	Feb. 7, 1975	220330
Michigan	Berrien	Buchanan, city of	do	Oct. 24, 1975	260554
New York	Hamilton	Arietta, town of	do	Feb. 14, 1975	361402
Washington	Snohomish	Brier, city of	do	Jan. 24, 1975	530276
Wisconsin	Trempealeau	Galesville, city of	do	Nov. 30, 1973	550443
•	•	•	•	•	•
Alabama	Russell	Unincorporated areas	Feb. 25, 1976, emergency	Jan. 17, 1975	010287
New Hampshire	Merrimac	Webster, town of	do	do	330236
New York	Genesee	Oakfield, village of	do	Nov. 15, 1974	361500
Ohio	Hancock	Arlington, village of	do	May 17, 1974	390242
Oklahoma	Oklahoma	Choctaw, city of	do		400357
Utah	Sanpete	Mount Pleasant, city of	do	July 11, 1975	490213
•	•	•	•	•	•
Arkansas	Randolph	Reyno, town of	Feb. 26, 1976, emergency	July 11, 1975	050283
Louisiana	East Feliciana	Jackson, town of	do	Jan. 10, 1975	220333
Pennsylvania	Cambria	Elder, township of	do	do	422592
Do	Indiana	White, township of	do	Dec. 13, 1974	421725
California	Los Angeles	San Fernando, city of	Dec. 23, 1974, emergency Feb. 11, 1976, regular.		060628
Idaho	Ada	Kuna, city of	Feb. 24, 1975, emergency Feb. 11, 1976, regular.		160174
Illinois	Vermilion	Georgetown, city of	July 10, 1975, emergency Feb. 11, 1976, regular.		170665
Indiana	De Kalb	Garrett, city of	Mar. 7, 1975, emergency Feb. 11, 1976, emergency.		180048
Do	Posey	Griffin, town of	May 23, 1975, emergency Feb. 11, 1976, regular.		180305
Missouri	Scott	Haywood, city of	May 9, 1975, emergency Feb. 11, 1976, regular.		290598
Oregon	Washington	King City, city of	Nov. 14, 1974, emergency Feb. 11, 1976, regular.		410296
Texas	Harris	Southside Place, city of	Nov. 13, 1974, emergency Feb. 11, 1976, regular.		480312
Utah	Utah	Alpine, city of	May 27, 1975, emergency Feb. 11, 1976, regular.		490228
Virginia	Appomattox	Pamplin, town of	Nov. 11, 1974, emergency Feb. 12, 1976, regular.		510228
Washington	Okanogan	Pateros, town of	May 8, 1975, emergency Feb. 12, 1976, regular.		530258
Do	Clallam	Sequim, city of	July 23, 1975, emergency Feb. 11, 1976, regular.		530301
•	•	•	•	•	•
New York	St. Lawrence	DeKalb, town of	Feb. 27, 1976, emergency	Jan. 10, 1975	361174
North Dakota	Griggs	Cooperstown, city of	do	Feb. 21, 1975	380219
Ohio	Perry	Hemlock, village of	do	Feb. 7, 1975	390708
Do	Lawrence	Unincorporated areas	do	Feb. 14, 1975	390325
Pennsylvania	Warren	Pleasant, township of	do	Jan. 17, 1975	422548
Wisconsin	Brown	Pulaski, village of	do	May 24, 1974	550024

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

Issued: February 19, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–5880 Filed 3–2–76;8:45 am]

[Docket No. FI–553]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Swampscott, Essex County, Massachusetts

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Administration Building, Swampscott.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Massachusetts Bay	Palmer Rd	11	920
	Langley Ave	11	720
Nahant Bay	King's Beach	11	90

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

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–6118 Filed 3–2–76;8:45 am]

[Docket No. FI–326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Aurora, Colorado

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Aurora, Colorado. Map No. H 080002 08 indicates that Lots 7 through 48, Block 1; and Lots 1 through 4, 18, 19, 22 through 31, and 35 through 38, Block 2, Tollgate Village Subdivision Filing No. 2, Aurora, Colorado, as recorded in Book 28, Page 46, in the office of the Clerk and Recorder of Arapahoe County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 080002 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

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

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–6117 Filed 3–2–76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 22, Amdt. 7, Docket No. 75–59]

PART 503—PUBLIC INFORMATION

Protection of Personal Privacy of Individuals

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579), the Federal Maritime Commission on December 15, 1975 published in the FEDERAL REGISTER (40 FR 58154) proposed amendments to its regulations at 46 CFR Part 503 Subpart G dealing with records of identifiable personal information. The amendments proposed therein were designed to further clarify the Commission's rules as they relate to the protection of the personal privacy of individuals identified in records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the proposed amendments. No comments were received.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579) and section (4) of the Administrative Procedure Act (5 U.S.C. 553) Title 46 of the Code of Federal Regulations, Part 503 Subpart G is hereby amended as follows:

(1) Section 503.64 *Commission procedure on request for information,* is revised to read:

§ 503.64 Commission procedure on request for information.

Upon request for information made in accordance with § 503.63 of this subpart, the Assistant Managing Director or his delegate shall within 10 days (excluding Saturdays, Sundays, and legal public holidays), furnish in writing to the requesting party notice of the existence or nonexistence of any records described in such request.

(2) Paragraph (c), *Commission determination of requests for access,* of § 503.65, is amended to read:

§ 503.65 Request for access to records.

* * * * *

(c) * * *

(1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such request shall be granted;

(ii) Make such determination and provide notification within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such request, and, if such request is granted, shall;

(iii) Notify the individual that fees for reproducing copies will be made in accordance with § 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, or for any other reason, the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

* * * * *

Effective date. The amendments contained herein shall be effective on March 3, 1976.

By the Commission: February 24, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6136 Filed 3-2-76;8:45 am]

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72-19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding [40 F.R. 47770; October 10, 1975], it has been determined that further postponement of their effective date is warranted. Accordingly, it is ordered that the "March 2, 1976" effective date incorporated in the first sentence of Sec. 536.16 of Part 536, 46 CFR is amended to read "May 1, 1976".

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6096 Filed 3-2-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

New and Revised Classes of Interstate and Foreign Message Toll Service and Wide Area Telephone Service; Correction

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

The Memorandum Opinion and Order in the above-entitled proceeding (FCC 76-134), appearing at page 8044 in the issue of Tuesday, February 24, 1976, is corrected to change the adoption date to "February 13, 1976".

Released: February 23, 1976.

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

[FR Doc.76-6083 Filed 3-2-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36162]

DISCLOSURE OF COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

FEBRUARY 20, 1976.

By notice of proposed rulemaking served under Docket No. 36162 on June 25, 1975, and published in the FEDERAL REGISTER on June 30, 1975 (40 FR 27494), the Commission announced that it had under consideration revisions to the system of accounts (49 CFR Parts 1201-1210) prescribed for all modes of transportation under its regulation. These revisions relate to adoption by the Commission of disclosure of compensating balances and short-term borrowing arrangements. All interested parties were given the opportunity to submit their views and comments in writing by July 30, 1975.

BACKGROUND

A compensating balance is that portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a corporation (or by any other person on behalf of the corporation) which constitutes support for existing borrowing arrangements of the corporation (or any other person) with a lending institution. Such arrangements would include both outstanding borrowings and the assurance of future credit availability.[1] In effect the result is to supply the bank with semipermanent capital, in return for which the depositor may gain unlimited checking privileges, a liberal credit line, or a favorable rate of interest when a loan is required. An additional effect on the carrier of such balances is to restrict the use of borrowed funds and thereby increase the carrier's effective cost of borrowing. Without disclosure of compensating balances and short-term borrowing arrangements, financial statement analysts overstate liquid assets, understate the cost of debt, and are unable to determine whether additional short-term funds are available.

Under present Commission accounting regulations there are not any requirements to disclose compensating balances or short-term borrowing arrangements. Except for the phrase, "deposits with banks and trust companies available for use on demand", in the text of the account for "Cash", there are not any references to require segregation of such items in the various uniform systems of accounts or reporting instructions.

In November 1973 the Securities and Exchange Commission (SEC) issued Accounting Series Release No. 148 adopting guidelines and interpretations regarding disclosure of compensating balances and short-term financing arrangements. Although carriers regulated by this Commission are not subject to the SEC's jurisdiction, we believe that many of the disclosures required by the SEC should be applicable to regulated carriers.

The proposed rules, which generally follow ASR No. 148, require compensating balances to be segregated on the balance sheet from cash available for general use whenever such balances are maintained under an agreement which legally restricts their use. When the amounts are not legally restricted footnote disclosure is required. The proposed rules also require unused lines of credit and short-term borrowing arrangements to be separately disclosed in footnotes to the balance sheet in the annual report.

REPRESENTATIONS

The public notification of 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. Comments were received from 5 motor carriers of property, an industry association for motor carriers of passengers, 5 pipeline companies, 2 railroads, 1 water carrier, 2 agencies of the Federal government, 1 public accounting firm and 1 banking association. Their respective comments are summarized below.

Motor Carriers. Motor Freight Express (MFX) believes that compensating balances and short-term borrowing arrangements are significant factors which should be considered in ratemaking cases. MFX recommends including definitions of "float" and "legally restricted" and an explanation of how the compensating balance should be adjusted to book cash balance.

In a joint statement Central Freight Lines, Inc. and Red Arrow Freight Lines, Inc., (Central & Red Arrow) declare that no valid reason exists for the proposed disclosures because: (1) The Commission does not need the same type of information as does the SEC to fulfill its regulatory responsibilities and (2) the proposed disclosures would offer little assistance in assessing liquidity and short-term borrowing capacity. Central & Red Arrow also state that the proposed disclosures would violate the confidentiality of their banking relationships.

[1] Accounting Series Release No. 148, Securities and Exchange Commission, issued November 13, 1973.

General Transfer Company (GTC) believes that because of the financial burden involved in determining the information, the proposed requirements should either be discarded or applied only to carriers with revenues in excess of $10 million.

J & M Transportation Co., Inc. (J&M) objects to the proposed disclosures because they would add to the cost of operations, require difficult legal determinations and require a separate accounting system for float.

Johnson Motor Lines, Inc. (Johnson) states that disclosure of compensating balances would be of little assistance in evaluating liquidity because compensating balances are relatively insignificant in relation to total liquid assets. Johnson also questions how compensating balances should be adjusted for float and how the Commission could use the information for rate making purposes if its analysis is limited only to the data submitted by the carrier in its rate justification.

Carrier Association. National Association of Motor Bus Owners (NAMBO) raises no basic objection to the disclosure requirements but recommends that the definition of "compensating balance" be clarified by deleting the last sentence and by allowing carriers to follow generally accepted accounting principles (GAAP) when determining proper interpretation and presentation.

Pipelines. Mapco, Inc. (Mapco) appreciates the Commission's attempt to follow the latest accounting procedures but states that the Notice may be more restrictive than the SEC in its use of the phrase, "legally restricted."

Explorer Pipe Line Company (Explorer) states that the Notice does not conform to GAAP because it does not exclude restricted cash accounts from current assets and because GAAP does not prescribe a materiality standard for compensating balances of 15 percent of liquid assets.

Mobil Pipe Line Company (Mobil) recommends deleting the requirement to disclose compensating balances maintained by others on Mobil's behalf, increasing the minimum amount in the schedule for Special Deposits to $100,000, and amending the Notice to clearly state that the materiality provision applies to balance sheet segregation as well as to disclosure in the schedule for Special Deposits. Mobil also states that the proposed disclosures should not be made available to the public under the provisions of the Freedom of Information Act.

Plantation Pipe Line Company (Plantation) believes that the proposed disclosure requirements are not objectionable but are of questionable value in assessing liquidity and short-term borrowing capacity. The respondent seeks further clarification for adjusting compensating balances for float, and points out that the proposed account number for Special Deposits will conflict with Plantation's current sub-account numbers.

Shell Pipe Line Corporation (Shell) states that the definition of compensating balances implies that disclosure will be required for arrangements between lending institutions and others on behalf of the carrier which are not necessarily known or appropriately available to the respondent carrier.

Railroads. Seaboard Coast Line Railroad Company (SCL) objects to lowering the minimum reporting amount in the proposed schedule for Special Deposits to $10,000 and to subdividing the schedule for disclosure of interest, dividends, and miscellaneous special deposits.

Union Pacific Railroad Company (UP) recommends including a discussion on commercial paper and debt roll-over in the proposal.

Water Carrier. Pioneer Towing Company (Pioneer) strongly opposes the proposed disclosure requirements. It considers such disclosures to be an invasion of privacy and believes that they will not serve any useful purpose because it is impossible to measure the true cost of debt.

Public Accounting Firm. Touche Ross & Company (Touche) points out that portions of ASR No. 148, on which the Notice is based, have been revised by ASR No. 172 and FASB Statement No. 6. Touche suggests that these revisions be incorporated into the proposal.

Government Agencies. Department of Defense and Department of Transportation (DOT) support the disclosure requirements. DOT recommends that the Commission require carriers to calculate the effective rate of interest on short-term borrowings.

Other. American Banking Association (ABA) opposes disclosing unused lines of credit because these arrangements are not usually legally binding, may understate actual available credit, and do not take trade credit into account. ABA further states that it is difficult to measure the true cost of debt because it is difficult to quantify such factors as opportunity costs, the states of mind of the lending institution and the borrower, complexities of compensating balance arrangements, and float. ABA recommends deleting the requirements to adjust for float and to disclose compensating balances which are not legally binding, and limiting disclosure of compensating balance arrangements to arrangements with domestic lending institutions.

Discussions and Conclusions

The discussion which follows is arranged according to the subject matter of the various arguments raised by the respondents.

Justification. Our reasons for the proposed rules were challenged as being either inadequate or incorrect. Central & Red Arrow stated that the Commission did not need data like that required by the SEC because the Commission's responsibilities are not the same as the SEC's. We disagree. The Commission, under section 20(a) and section 214 of the Interstate Commerce Act, has similar responsibilities as the SEC with respect to disclosures in the public interest. The Commission's responsibilities are also broader since approval for a security requires consideration of whether the security will impair the carrier's ability to properly perform its service to the public.

Several respondents stated that disclosure of compensating balances and short-term borrowing arrangements would be of little assistance in measuring liquidity. At present our analyses overstate liquid assets, understate the cost of debt and do not take into account the amount of short-term borrowing readily available. The proposed disclosures would provide the data needed to significantly reduce these distortions and make our liquidity analyses more accurate. For example, for carriers required to make the proposed footnote disclosures of compensating balances, present computations of their liquid assets are overstated by at least 15 percent. This distortion would be eliminated if the disclosures are made. Disclosure of short-term borrowing arrangements would be helpful because analysts would be alerted to whether a carrier was approaching the limit of its existing short-term debt resources. This is important in instances where a carrier's liquidity position is low and liquid assets are not sufficient to meet current obligations.

Our statement in the Notice that the proposed disclosures would aid in ratemaking cases was challenged in two ways. First Johnson stated that the information could not be analyzed in ratemaking cases unless it was submitted in the proceedings by the carrier. It is only when the rates are contested and an investigation undertaken that the rules of evidence limit the information that the Commission may consider. Even then, the Commission may elect to take official notice of the carrier's annual reports to provide additional information upon which to base a decision.

The second challenge, by ABA and Pioneer, was that calculations of the true cost of debt were so complex that the resulting measurement would be either inaccurate or inadequate. We do not dispute the complexity of this calculation. In fact, this was the reason we did not propose to require carriers to make the computation. However, we believe that the quantifiable factors—total debt, compensating balance requirement, float, and short-term borrowing rates—can be readily determined from existing data. The loan agreement will determine whether funds are legally restricted, will state what the compensating balance requirement is, the terms of the loan, and what penalties will be imposed in case of violation of the agreement. The carrier's accounting system will provide the amount of debt outstanding and the book cash balance. The bank statement, when reconciled with the book cash balance, will provide the float adjustment. Although this information will not enable us to measure the true cost of debt with 100 percent accuracy, it will allow us to measure the cost of debt more accurately than our present methods allows.

Disclosure. Mobil and Shell commented on the requirement to disclose compensating balances maintained by others on behalf of the carrier. There are cases in which a carrier arranges for

another party to provide the compensating balance and reimbursed that party by paying a stated rate of interest. Another example is when an affiliate of the carrier maintains a compensating balance for the carrier, through either written or unwritten agreements. We believe that these arrangements and their costs should be disclosed because they have a bearing on liquidity analysis and borrowing capacity.

We have revised the proposed rules to also require disclosure of compensating balances held by a carrier to support another party's debt. We believe that these balances restrict a carrier's liquidity just as do compensating balances held by a carrier on its own behalf and should be disclosed or segregated in the same manner.

Mobil and SCL believed that the minimum size of items which must be reported separately should be greater than $10,000. We agree that the $10,000 amount should not be applied to all carriers and will provide for those carriers presently using a different cut-off amount in their annual reports, to continue to use the same amount.

ABA objected to the requirements to disclose unused lines of credit and commitments, compensating balances which are not legally restricted, and compensating balance arrangements with foreign banks. We disagree with each of the objections. Although an unused line of credit is not synonymous with credit worthiness and does not guarantee extension of credit, disclosure would alert an analyst to whether a carrier is nearing the limit of its available credit resources, and if so, whether foreseeable events would jeopardize the carrier's ability to meet its current obligations. We believe that compensating balances which are not legally restricted should be disclosed because they do effectively restrict the use of funds. Compensating balance arrangements with foreign banks should also be included because they restrict liquidity in the same way as do arrangements with domestic banks and it would be illogical to disclose one and not the other.

GTC recommended that only carriers with revenues greater than $10 million be subject to the proposed rules. We believe that all carriers, regardless of revenue, should segregate legally restricted assets on the balance sheet because this would reflect correct account classification. However, we agree that footnote disclosure of assets effectively, but not legally restricted, should be limited to carriers with revenues of $10 million or more. Our conclusion is based on the fact that in most instances our liquidity and cost of debt analyses are performed on the larger carriers. We will request the information from carriers with less than $10 million in revenues as the need arises.

Confidentiality. Several carriers complained that the proposed disclosures would violate confidential relationships and Mobil stated that the disclosures are specifically exempted from public disclosure and dissemination by the Freedom of Information Act. In our opinion, since the proposed rules do not require disclosure of the names of the parties involved but only the aggregate amounts, the confidentiality of the arrangements will be protected and therefore the disclosures would not be exempted from the provisions of the Freedom of Information Act.

Float. Plantation, Johnson, MFX, ABA and NAMBO submitted comments regarding the float adjustment. To clarify this requirement, we have revised the parenthetical sentence in the definition of "compensating balance" and have included a definition of "float" in the proposal.

Conformance to GAAP. Explorer stated that the proposals to apply a materiality standard of 15 percent of liquid assets and to report all legally restricted compensating balances in current assets conflicted with GAAP. The materiality standard does conform to GAAP since it is the same standard used by the SEC in ASR 148. Statement No. 4 of the Accounting Principles Board of the AICPA recognized the SEC as an important source of detailed accounting principles. As to Explorer's contention that under GAAP restricted cash should be excluded from current assets, we believe Explorer is right if the restricted amount is used to support long-term debt. We have revised the proposal to require that compensating balances for long-term debts be included in non-current assets instead of in current assets. However, we believe that compensating balances for short-term borrowings should be included in current assets because these amounts could be available for current operations once the current debts are liquidated.

Other. MFX recommended including a definition of "legally restricted" in the proposal and J & M stated that carriers would have difficulty determining whether a compensating balance is legally restricted. We do not believe that a definition is appropriate because whether an agreement legally restricts funds is dictated by the terms of the agreement. If a carrier is unable to determine for itself whether a compensating balance agreement is legally restrictive, it should contact the lending institution for clarification.

UP and Touche suggested that the Commission address itself to ASR No. 172 which rescinded guidelines, set forth in ASR No. 148, regarding debt roll-over. This is not necessary because the parts of ASR No. 148 rescinded do not affect the disclosure requirements for compensating balances or short-term borrowing arrangements.

Plantation pointed out that the account number assigned to Special Deposits would conflict with its own series of sub-account numbers. Carriers having this problem may assign another account number to Special Deposits for use in their internal accounting systems provided the integrity of the account is not impaired. Carriers must, however, use the assigned account numbers when reporting to the Commission.

Some revisions of an editorial or clarifying nature have also been made. Other minor suggested revisions were considered and found unnecessary.

SUMMARY

We believe that the proposed disclosure requirements for compensating balances and short-term borrowing arrangements will provide the annual report users with useful information concerning the carriers' cost of debt and liquidity position. The rules adopted herein bring our rules into conformance with the SEC in this area and thereby make carrier financial reports more comparable to those issued by companies in other industries.

FINDINGS

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appendices to this Report; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Parts I, II, III and IV 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; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

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 5th day of February 1976.

Consideration having been given to the matters and things involved in this proceeding, including all comments furnished by interested parties, 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 Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That all carriers shall report the required disclosures in the manner provided for in Appendix K below.

It is further ordered, That the prescribed amendments shall be effective immediately, and reflected in the annual reports to this Commission for the accounting year ending December 31, 1975, subject to receipt of the requisite clearance of the General Accounting Office.

And it is further ordered, That service of the order shall 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.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 12, 20, 304, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PART 1201—RAILROAD COMPANIES

REGULATIONS PRESCRIBED

Under "(ii) Definitions" add definitions 24 and 25 as follows:

* * * * *

24 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

25 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

GENERAL BALANCE SHEET ACCOUNTS

The text of account 701 "Cash" is revised by adding the following Note after paragraph (b):

701 Cash.

* * * * *

NOTE: Compensating balances under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 703 "Special Deposits" or 717 "Insurance and Other Funds."

The text of account 703 "Special Deposits" is revised to read:

703 Special Deposits.

This account shall include cash deposits, either placed in the hand of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

The text of account 717 "Insurance and Other Funds" is revised by adding Note E to read:

717 Insurance and Other Funds.

* * * * *

NOTE E: This account shall include compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1202—ELECTRIC RAILWAYS

DEFINITIONS

Section 00–2 "Definitions" is amended by adding the following definitions:

00–2 Definitions.

* * * * *

"Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by substracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

"Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

GENERAL BALANCE SHEET ACCOUNTS

The text of the note under account 407 "Cash" is revised to read:

407 Cash.

* * * * *

NOTE: This account shall not include funds deposited for the purpose of paying declared dividends, bond interest coupons or compensating balances (see Definition) under an agreement which legally restricts the use of such funds; all such amounts shall be shown in account 408 "Special deposits" or account 414 "Insurance and other funds."

The text of account 408 "Special deposits" is revised, the existing Note following the text is designated as Note A, and a new Note B is added, to read as follows:

408 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE A: * * *

NOTE B: Deposits available for general company purposes shall be included in account 407 "Cash."

The text of account 414 "Insurance and other funds" is revised by adding Note C to read:

414 Insurance and other funds.

* * * * *

NOTE C: This account shall include compensating balances (see Definition) under an agreement which legally restrict the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1203—EXPRESS COMPANIES

DEFINITIONS

In part (i) "Definitions", the following new definitions are added:

(i) *Definitions.*

* * * * *

44 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

45 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

The text of account 111 "Cash", paragraph (b), is revised to read:

111 Cash.

* * * * *

(b) This account, by secondary account number, shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 44) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements.

* * * * *

The text of account 144, "Special funds" is revised by adding the following as paragraph (b) and designating the existing paragraph (b) as paragraph (c) to read:

144 Special funds.

(a) * * *

(b) This account shall include compensating balances (see Definition 44) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

(c) * * *

PART 1204—PIPELINE COMPANIES

List of Instructions and Accounts

Under "Balance Sheet Accounts" add the following account after line item 10 "Cash."

10 * * *
10–5 Special deposits.

DEFINITIONS

Under Definitions, the following new definitions are added:

Definitions. * * *

* * * * *

33. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

34. "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNTS

After the text of account 10 "Cash" a new note is added to read:

10 Cash.

* * * * *

NOTE: Compensating balances (see Definition 33) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 10–5 "Special deposits" or account 22 "Sinking and other funds."

After the text of account 10 "Cash" the following new account number, title and text are added:

10–5 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition 33) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 10 "Cash."

The text of account 22 "Sinking and other funds" is revised by adding paragraph (c) to read:

22 Sinking and other funds.

* * * * *

(c) This account shall include compensating balances (see Definition 34) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

FORM OF BALANCE SHEET STATEMENT

Section 797 "Form of Balance Sheet Statement" is revised by adding line item 10–5 "Special deposits" immediately after line item 10 "Cash."

PART 1205—REFRIGERATOR CARLINES

General Instructions

Instruction 2 "Definitions" is amended by adding the following new definitions:

2 Definitions.

* * * * *

(cc) (1) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(2) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

General Balance Sheet Accounts

Account 701 is revised by designating the existing Note as Note A and adding new Note B to read:

701 Cash.

* * * * *

NOTE A: * * *

NOTE B: Compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 703 "Special deposits" or account 717 "Insurance and other funds."

The text of account 703 "Special deposits" is revised to read:

703 Special deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE: Deposits available for general company purposes shall be included in account 701 "Cash."

The text of account 717 "Insurance and other funds" is revised by adding Note E to read:

717 Insurance and other funds.

* * * * *

NOTE E: This account shall include compensating balances (see Definition (cc)) under an agreement which legally restricts the use of such funds and which constitute

support for long-term borrowing arrangements.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

DEFINITION

The following new definitions are added:

DEFINITIONS

* * * * *

1–44 Terminology relative to compensating balances.

(a) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(b) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

BALANCE SHEET ACCOUNTS

The text of account 1000 "Cash" is amended by adding the following Note C:

1000 Cash.

* * * * *

NOTE C: Compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1043, "Miscellaneous special deposits" or account 1781, "Miscellaneous special funds."

The text of account 1043, "Miscellaneous special deposits" is revised to read:

1043 Miscellaneous special deposits.

This account shall include compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements, and moneys and bank credits in the hands of fiscal agents or others for special purposes other than the payment of interest or dividends. This includes cash or securities deposited with Federal, State, or municipal authorities, public utilities, or others, as a guaranty for the fulfillment of obligations. Entries to this account shall specify the purpose for which the deposit is made. When such purposes are satisfied and the deposit is released, this account shall be credited with the amount deposited.

NOTE: Deposits available for general company purposes shall be included in account 1000, Cash.

The text of account 1781 "Miscellaneous special funds" is revised by adding the following Note to read:

1781 Miscellaneous special funds.

* * * * *

NOTE: This account shall include compensating balances (see Definition 1–44) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following new definitions are added:

Definitions.

* * * * *

43 "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

44 "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNTS EXPLANATIONS

Account 1011 Cash (class I) is revised by adding the following Note D:

1011 Cash (class I).

* * * * *

NOTE D: Compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 1020—Special Deposits, for Class II carriers, and account 1023—Miscellaneous Special Deposits, for Class I carriers or account 1451—Special Funds (classes I and II).

The text of account 1023 Miscellaneous Special Deposits (class I) is revised to read:

1023 Miscellaneous Special Deposits (class I).

This account shall include bank deposits subject to withdrawal for specific purposes only, compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payment of interest or dividends) such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

NOTE A: * * *

* * * * *

The text of account 1451 Special Funds (classes I and II) is revised by designating the existing paragraph (f) as paragraph (g) and adding the following as paragraph (f) to read:

1451 Special Funds (classes I and II).

* * * * *

(f) This account shall include compensating balances (see Definition 43) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1208—MARITIME CARRIERS

General Instructions

Under "(A) Definitions" the following new definitions are added:

(A) Definitions.

* * * * *

(37) "Compensating balances" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(38) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

Balance Sheet Accounts

After the text of account 100 "Cash" a new note is added:

100 Cash.

* * * * *

NOTE: Compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 115 "Special cash deposits" or account 310 "Restricted funds."

The text of account 115 "Special cash deposits" paragraphs (c) and (d) are revised to read:

115 Special cash deposits.

* * * * *

(c) Compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements shall be included in this account.

(d) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash."

The text of account 310 "Restricted funds" is revised by adding the following Note to read:

310 Restricted funds.

* * * * *

NOTE: This account shall include compensating balances (see Definition 37) under an agreement which legally restricts the use of such funds and constitute support for long-term borrowing arrangements.

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

General Instructions

Instruction 2, "Definitions" is amended by adding the following new definitions:

2 Definitions.

* * * * *

(aaa) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for exitsing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance reuqirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(bbb) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

Balance Sheet Accounts

The text of account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

* * * * *

NOTE B: Compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 102 "Special cash deposits" or account 125 "Special deposits."

The text of account 102 "Special cash deposits" is revised to read:

102 Special cash deposits.

(a) This account shall include the amount of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts, of a current nature, when such payments are due one year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within one year from the date of deposits; compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements; and other cash deposits of special nature not provided for elsewhere.

NOTE A: * * *

* * * * *

The text of account 125 "Special deposits" is revised by amending the text to read:

125 Special deposits.

* * * This account shall include compensating balances (see Definition (aaa)) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

General Instructions

Instruction 2, "Definitions" is amended by adding the following new definitions:

2 Definitions.

* * * * *

(ii) "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier (or any person) with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (The compensating balance requirement should be adjusted by the amount of float unless such adjustment would cause the compensating balance to be greater than the cash balance per carrier's books. The float adjustment is made by subtracting the float from the compensating balance requirement if the collected bank ledger balance exceeds the cash balance per carrier's books or by adding the float to the compensating balance requirement if the collected bank ledger balance is less than the cash balance per carrier's books.)

(jj) "Float" means deposits and withdrawals in transit which constitute a difference between the collected bank ledger balance and the cash balance per carrier's books.

General Balance Sheet Accounts

Account 100 "Cash" is revised by designating the existing Note as Note A and adding new Note B to read:

100 Cash.

* * * * *

NOTE B: Compensating balances (see Definition(ii)) under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 101 "Special cash deposits" or account 121 "Special deposits."

The text of account 101 "Special cash deposits" is revised to read:

101 Special cash deposits.

This account shall include cash deposits, either placed in hands of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (see Definition (ii)) under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements. Sub-accounts may be set up, if necessary, to account for special deposits for specific purposes.

* * * * *

The text of account 121 "Special deposits" is revised by amending the text to read:

121 Special deposits.

* * * This account shall also include compensating balances (see Definition (ii)) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

APPENDIX K

SCHEDULE ____ COMPENSATING BALANCES AND SHORT-TERM BORROWING ARRANGEMENTS

The notes listed below are for the purpose of disclosing requirements of compensating balances and short-term borrowing arrangements if operating revenues are $10 million or more. Footnote disclosure is required even though the arrangement is not reduced to writing.

1. Disclose compensating balances not legally restricted, lines of credit used and unused, average interest rate of short-term

borrowings outstanding at balance sheet date, maximum amount of outstanding borrowings during the period and the weighted average rate of those borrowings.

2. Time deposits and certificates of deposit constituting compensating balances not legally restricted should be disclosed.

3. Compensating balance arrangements need only be disclosed for the latest fiscal year.

4. Compensating balances under an agreement which legally restricts the use of such funds and which constitute support for short-term borrowing arrangements should be included in schedule No. ____ account ____ "Special deposits."

5. Compensating balances under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements and are reported in account ____ "____" should also be separately disclosed below.

6. Compensating balance arrangements are sufficiently material to require disclosure (in footnotes) when the aggregate of written and oral agreement balances amounts to 15 percent or more of liquid assets (current cash balances, restricted and unrestricted, plus marketable securities).

7. When a carrier is not in compliance with a compensating balance requirement, that fact should be disclosed along with stated and possible sanctions whenever such possible sanctions may be immediate (not vague or unpredictable) and material.

SCHEDULE ____ SPECIAL DEPOSITS

For other than compensating balances state separately each item of $____ or more reflected on the books at close of the year. Items of less that $____ may be combined in a single entry and described as "Minor items less than $____". For compensating balances state separately the total amounts held on behalf of respondent and held on behalf of others.

Line No.	Account No.	Purpose of deposit (a)	Balance at close of year
	(___)	Interest special deposits:	$
1			
2			
3			
4			
5		Total	
	(___)	Dividend special deposits:	
6			
7			
8			
9			
10		Total	
	(___)	Miscellaneous special deposits:	
11			
12			
13			
14			
15		Total	
	(___)	Compensating balances legally restricted:	
16		Held on behalf of respondent	
17		Held on behalf of others	
18		Total	

[FR Doc.76-5940 Filed 3-2-76;8:45 am]

[No. 36284]

SHORT-TERM OBLIGATIONS EXPECTED TO BE REFINANCED

Classification

Certain revised accounting regulations governing all carriers subject to our accounting rules are adopted to be effective January 1, 1976.

The Financial Accounting Standards Board (FASB), in May, 1975, issued Statement No. 6: "Classification of Short-term Obligations Expected to be Refinanced." This statement established criteria necessary for reclassifying short-term obligations as long-term debt, so that current liabilities may be properly represented on the balance sheet.

Current liabilities are defined as those whose liquidation is reasonably expected to require the use of existing resources properly classified as current assets, or the creation of other current liabilities.[1] Therefore, any obligation, which has a maturity date within one year, but is to be refinanced on a long-term basis, should not be classified as current. The exclusion of obligations expected to be refinanced on a long-term basis allows for a more accurate appraisal of the firm's working capital position, and its ability to meet current obligations from current funds. The proper classification of obligations also permits the calculation of more meaningful financial ratios involving current and long-term liabilities.

We believe the standards set forth in FASB Statement No. 6 will improve financial reporting to the Commission and we have amended the Uniform Systems of Accounts for all modes subject to our regulations, in accordance with those standards. These changes clarify the texts of certain accounts as they relate to FASB Statement No. 6 and align our accounting rules with generally accepted accounting principles.

We do not consider these changes burdensome because they do not involve any additional recordkeeping, but merely a reclassification of liabilities on the balance sheet. Also, many firms which prepare reports to stockholders have already made the reclassification in their financial statements to stockholders, in accordance with generally accepted accounting principles. Therefore, a rulemaking proceeding under Sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) is not necessary.

FINDINGS

We find that Parts 1201 through 1210 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 Parts I, II, III, and IV 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; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act 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 13th day of February, 1976.

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

It is ordered, That, effective January 1, 1976, the regulations prescribed in Parts 1201–1210, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Board 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 of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

49 U.S.C. 12, 20, 304, 913, and 1012.

Note: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[1] Accounting Research Bulletin No. 47, Chapter 3A, Paragraph 7.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 751 "Loans and Notes Payable" is revised by redesignating the Note following the text of the account as "Note A", and by adding "Note B". The revised text reads as follows:

751 Loans and Notes Payable.

* * * * *

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 764 "Equipment Obligations and Other Debt Due Within One Year" is revised to read:

764 Equipment Obligations and Other Debt Due Within One Year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note B following Account 751 "Loans and Notes Payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

3. The text of account 765 "Funded Debt Unmatured", paragraph (a), is revised to read:

765 Funded Debt Unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 751, "Loans and Notes Payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment Obligations and Other Debt Due Within One Year").

* * * * *

4. The text of account 766, "Equipment Obligations", paragraph (a), is revised to read:

766 Equipment Obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (See account 764, "Equipment Obligations and Other Debt Due Within One Year"; for explanation of long-term refinancing, see Note B following account 751, "Loans and Notes Payable").

* * * * *

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 427, "Funded debt unmatured", is amended by the addition of "Note D". The added text reads as follows:

427 Funded debt unmatured.

* * * * *

Note D: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 430, "Loans and notes payable" is revised to read:

430 Loans and notes payable.

This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences of indebtedness payable on demand or within a time not exceeding one year from the date of issue. This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis (See Note D following account 427, "Funded debt unmatured").

Note: * * *

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

BALANCE SHEET ACCOUNT CLASSIFICATIONS

1. The text of account 211, "Current long-term debt", is revised to read:

211 Current long-term debt.

This account shall include the total amount of bonds, equipment obligations, and other long-term obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which no sinking funds have been provided. This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement. This account shall be subdivided as follows to show the different classes of debt so maturing:

01 Current equipment obligations.
02 Current bonds.
03 Current other long-term debt.

2. The text of account 213, "Notes payable", paragraph (a), is revised to read:

213 Notes payable.

(a) This account shall include the face value of outstanding obligations to other than affiliates in the form of notes, drafts, acceptances, and similar evidences of indebtedness which by their terms do not run for a period in excess of one year from date of issue, including the face value of notes receivable discounted or sold without releasing the carrier from liability as endorser thereon. This account shall not include obligations due within one year which are expected to be refinanced on a long-term basis (See account 211, "Current long-term debt").

* * * * *

3. The text of account 218, "Affiliate Payables", paragraph (a), is revised to read:

218 Affiliate payables.

(a) This account shall include amounts payable currently to affiliated companies, such as amounts due for services and materials received, rentals, traffic balances, matured interest, dividends and other items in open account. Also, the face value of loans and notes which will fall due and become payable to affiliates within one year. This account shall not include obligations to affiliates which are intended to be refinanced on a long-term basis (See account 211, "Current long-term debt").

* * * * *

4. The text of account 221, "Equipment obligations", paragraph (a), is revised to read:

(a) This account shall include the unpaid balance of matured equipment notes, chattel mortgages, and conditional sales contracts executed by the carrier to finance the purchase of motor vehicles and other equipment, including obligations due within one year which are expected to be refinanced on a long-term basis (see account 211, "Current long-term debt"); also, long-term leases capitalized in conformity with balance sheet account instruction 4-2 and the unpaid balance of similar equipment obligations executed or issued by others for which the carrier has assumed the obligation to pay and payable more than one year from the date of the balance sheet.

* * * * *

5. The text of account 222, "Bonds", paragraph (a), is revised to read:

(a) This account shall reflect the unpaid balance of unmatured bonds issued by the carrier and maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis; also, the unpaid balance of unmatured bonds issued by others for which the carrier has assumed the obligation to pay. (See account 211, "Current long-term debt").

* * * * *

6. The text of account 223, "Other long-term obligations", paragraph (a), is revised to read:

223 Other long-term obligations.

(a) This account shall include all other long-term liabilities and obligations that become payable after one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis, and which are not provided for elsewhere herein. These obligations include, but are not limited to, real-estate mortgages, assessments for public improvement; and serial and other notes payable (except equipment notes). See account 211, "Current long-term debt."

* * * * *

7. The text of account 231, "Affiliate advances payable," paragraph (a), is revised to read:

231 Affiliate advances payable.

(a) This account shall include amounts payable to affiliated companies for notes, loans, and advances not subject to current settlement, including interest accrued on such debt when such interest is not subject to current settlement. This account shall also include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See account 211, "Current long-term debit").

* * * * *

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

BALANCE SHEET ACCOUNTS

1. The text of account 50, "Notes Payable" is revised by the addition of a Note. The revised text reads as follows:

50 Notes payable.

* * * * *

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 51, "Payables to affiliated companies" is revised to read:

51 Payables to affiliated companies.

This account shall include amounts payable due and accrued to affiliated companies (except interest and dividends) subject to settlement within one year from date of the balance sheet, and for which arrangements for long-term refinancing have not been made (See Note following account 50, "Notes Payable"). This includes payables for items such as services and material received, rent, advances and notes.

3. The text of account 57, "Long-term debt payable within one year" is revised to read:

57 Long-term debt payable within one year.

This account shall include the amount of long-term debt which will mature and become payable within one year from date of the balance sheet for which arrangements for long-term refinancing have not been made (See note following account 50, "Notes Payable").

4. The text of account 60, "Long-term debt payable after one year" has been amended to read:

60 Long-term debt payable after one year.

This account shall include the total par value of the carrier's outstanding obligations maturing more than one year from the date of the balance sheet, including obligations due within one year which are expected to be refinanced on a long-term basis (See note following account 52, "Accounts payable"). This account shall be divided to show the face value of (1) debt issued and actually outstanding, and (2) debt "nominally issued" and "nominally outstanding". These accounts shall be further divided by the following classes of debt: mortgage bonds, collateral trusts, income bonds, miscellaneous obligations and nonnegotiable debt to affiliated companies.

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR-LINES

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 751, "Loans and Notes Payable" is revised by redesignating the Note following the text of the account as "Note A", and by adding "Note B". The revised text reads as follows:

751 Loans and Notes Payable.

* * * * *

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violation of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 764, "Equipment Obligations and Other Debt Due Within One Year" is revised to read:

764 Equipment obligations and other debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note B following account 751, "Loans and Notes Payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

3. The text of account 765, "Funded Debt Unmatured", first paragraph, is revised to read:

765 Funded debt unmatured.

This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 751, "Loans, and Notes Payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment Obligations and Other Debt Due Within One Year").

* * * * *

4. The text of account 766, "Equipment Obligations", first paragraph, is revised to read:

766 Equipment obligations.

This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (See account 764, "Equipment Obligations and Other Debt Due Within One Year"; for explanation of long-term refinancing, see Note B following account 751, "Loans and Notes Payable").

* * * * *

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

BALANCE SHEET ACCOUNTS

1. The text of account 2000, Notes Payable is revised by adding Note C. The revised text reads as follows:

2000 Notes payable.

* * * * *

Note C: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 2030, "Payables to associated companies", is revised by the addition of Note D. The revised text reads as follows:

2030 Payables to associated companies.

* * * * *

Note D: This account shall not include obligations to associated companies due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable).

3. The text of account 2190, "Equipment obligations and other debt due within one year" is revised to read:

2190 Equipment obligations and other debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note C following account 2000, Notes payable) or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

4. The text of account 2200, "Advances payable—Associated companies," paragraph (a), is revised to read:

2200 Advances payable—Associated companies.

(a) This account shall include the amount of advances from associated companies including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable), whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement.

* * * * *

5. The text of account 2300, "Equipment obligations," paragraph (a), is revised to read:

2300 Equipment obligations.

(a) This account shall include the face value of unmatured equipment obligations issued by the carrier and maturing more than one year from the close of the accounting period or, if payable in installments, the face value of such installments not due within one year from such closing. (See account 2190—Equipment obligations and other debt due within one year.) This includes equipment bonds, equipment notes, chattel mortgages, and other obligations for which equipment is pledged as security or is held under a conditional sales agreement; also, the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier; and of equipment obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable).

* * * * *

6. The text of account 2330, "Bonds," paragraph (a), is revised to read:

2330 Bonds.

(a) This account shall include the face value of bonds, other than equipment obligations issued by the carrier and maturing more than one year from the close of the accounting period; also, obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2000, Notes payable); also the face value of such bonds issued by others, the payment of which has been assumed by the carrier. (See account 2190, Equipment obligations and other debt due within one year.)

* * * * *

The text of account 2360, "Other long-term obligations," paragraph (a), is revised to read:

2360 Other long-term obligations.

(a) This account shall include all long-term obligations not otherwise provided for which mature more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See account 2190, Equipment obligations and other debt due within one year; for explanation of long-term refinancing, see Note C following account 2000, Notes payable). This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; receipts outstanding for long-term obligations; and other obligations maturing more than one year from date of issue.

* * * * *

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

CLASS I AND CLASS II MOTOR CARRIERS
BALANCE SHEET ACCOUNT EXPLANATIONS

1. The text of account 2011—"Notes payable" is revised by the addition of Note C following the text of the account. The new text reads as follows:

2011—Notes payable (Class I).

* * * * *

Note C: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 2021—"Loans and Notes Payable to Affiliated Companies" is revised to read:

2021 Loans and notes payable to affiliated companies.

This account shall include loans, notes, and drafts payable to affiliated companies (see definition 7) which are subject to current settlement. This account shall not include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, "Notes Payable").

* * * * *

3. The text of account 2161—"Current Equipment Obligations and Other Debt" is revised to read:

2161 Current equipment obligations and other debt (Class I).

This account shall include the total amount of bonds, debentures, equipment obligations, capitalized lease obligations, and other long-term obligations, including obligations maturing serially or pay-

able in installments (included in accounts 2331 through 2334) which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See Note C following account 2011, "Notes Payable"), or for which no sinking funds have been provided. This account shall be subdivided according to the difference classes of debt so maturing.

The text of account 2311—"Notes Payable (affiliated companies)," paragraph (a), is revised to read:

2311 Notes payable (affiliated companies) (Class I).

(a) This account shall include the amount of unsecured notes payable to affiliated which are not subject to current settlement, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, Notes payable). It shall also include notes payable on demand but which, by mutual agreement or understanding, will not be presented for payment within one year from date of the current financial statements.

* * * * *

5. The text of account 2321—"Notes Payable (Other)," paragraph (a), is revised to read:

2321 Notes payable (other) (Class I).

(a) This account shall include the amount of unsecured notes payable to individuals and companies, other than affiliated companies, which are not subject to current settlement, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes Payable"). This account shall also include notes that are payable on demand but which, by mutual agreement, will not be presented for payment within one year from the date of the current financial statements.

* * * * *

The text of account 2331—"Equipment Obligations," paragraph (a), is revised to read:

2331 Equipment obligations (classes I and II).

(a) This account shall include the face value of all unmatured long-term obligations issued by the carrier and not retired or cancelled, for which units of revenue equipment and other automotive equipment have been pledged as security or are held under conditional sales contracts, such as equipment bonds, equipment notes, and chattel mortgages; also, the face value of equipment obligations issued by others, the payment of which has been assumed by the carrier, and of equipment obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes payable"). The liability for equipment obligations maturing within one year of the close of the accounting period is includible in account 2130—Other Current and Accrued Liabilities (Class II) and account 2161—Current Equipment Obligations and Other Debt (Class I). (See note A).

* * * * *

The text of account 2332—"Bonds and Debentures," paragraph (a), is revised to read:

2332 Bonds and debentures (classes I and II).

(a) This account shall include the face value of bonds and debentures, other than equipment obligations, issued by the carrier and maturing more than one year from the close of the acounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011, "Notes payable"); also the face value of such bonds and debentures issued by others, the payment of which has been assumed by the carrier. The liability for bonds and debentures maturing within one year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Equipment Obligations and Other Debt (class I). (See Note A).

* * * * *

The text of account 2334—"Other Long-Term Obligations," paragraph (a), is revised to read:

2334 Other long-term obligations (classes I and II).

(a) This account shall include long-term obligations not already provided for, which mature more than one year from the date of the current financial statements, including obligations due within one year which are expected to be refinanced on a long-term basis (See Note C following account 2011—"Notes payable"). The liability for obligations maturing within one year of the close of the accounting period is includible in Account 2130—Other Current and Accrued Liabilities (class II) and Account 2161—Current Equipment Obligations and Other Debt (class I). (See Note A.) This covers such items, executed or assumed, as real estate mortgages; assessments for public improvements; loans secured by insurance policies; serial notes payable over a period of more than one year; and other obligations maturing more than 1 year from the date of the current financial statements.

* * * * *

PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

BALANCE SHEET ACCOUNTS

1. The text of account 400, "Notes payable" is revised by the addition of a Note. The revised text reads as follows:

400 Notes payable.

* * * * *

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 415, "Notes and accounts payable; related companies", paragraph (a), is revised to read:

415 Notes and accounts payable; related companies.

(a) This account shall include amounts payable to related companies which are subject to current settlement, such as credit balances in open accounts for services rendered, materials furnished, traffic and interline accounts, claims, rents, and for interest, dividends, loans, notes and drafts. This account shall not include obligations to affiliated companies due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

* * * * *

3. The text of account 525, "Long-term debt" is revised by the addition of a Note. The revised text reads as follows:

525 Long-term debt.

* * * * *

Note: This account shall include obligations due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

4. The text of account 540, "Other liabilities" is revised by the addition of a Note. The new text reads as follows:

540 Other liabilities.

* * * * *

Note: This account shall include obligations due within one year which are expected to be refinanced on a long-term basis (See Note following account 400, "Notes payable").

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

BALANCE SHEET ACCOUNTS

1. The text of account 200, "Notes payable" is revised by designating the Note as Note A, and by adding Note B. The revised text reads as follows:

200 Notes payable.

* * * * *

Note B: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-

term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 201, "Affiliated companies; notes and accounts payable" is revised by the addition of Note C. The added text reads as follows:

201 Affiliated companies; notes and accounts payable.

* * * * *

Note C: This account shall not include obligations to affiliated companies due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

3. The text of account 210, "Equipment obligations and other debt due within one year" is revised to read:

210 Equipment obligations and other debt due within one year.

This account shall include the total amount of all funded obligations (except amounts due affiliated companies which shall be included in account 213, "Affiliated companies—Advances payable") which are past due or which will mature within one year from the close of the accounting period and for which arrangements for long-term refinancing have not been made (See Note B following account 200, "Notes payable"). This includes the portion of long-term debt maturing serially or payable in installments within one year.

4. The text of account 211, "Funded debt unmatured", paragraph (a), is revised to read:

211 Funded debt unmatured.

(a) The account shall include the total face value of funded debt, including bonds, notes, certificates and other evidences of indebtedness issued or assumed by the carrier and maturing more than one year from date of issue, which have not been reacquired and canceled. This account shall also include obligations due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

* * * * *

5. The text of account 213, "Affiliated companies; advances payable", paragraph (a), is revised to read:

213 Affiliated companies; advances payable.

(a) This account shall include the amount of advances from affiliated companies whether evidenced by notes or open accounts which are not subject to current settlement, including interest accrued thereon, when such interest is not subject to current settlement. This account shall also include obligations to affiliates due within one year which are expected to be refinanced on a long-term basis (See Note B following account 200, "Notes payable").

* * * * *

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

GENERAL BALANCE SHEET ACCOUNTS

1. The text of account 200, "Notes payable" is revised by the addition of a Note. The revised text reads as follows:

200 Notes payable.

* * * * *

Note: This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means; (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

2. The text of account 210, "Funded debt" is revised to read:

210 Funded debt.

This account shall include the total face value of funded debt, including bonds, notes, certificates, and other evidences of indebtedness issued or assumed by the company and maturing more than one year from date of issue which have not been reacquired and canceled. This account shall also include obligations due within one year which are expected to be refinanced on a long-term basis (See instruction 23, *Company securities owned* and instruction 25, *Discount, premium, and expenses on long-term debt;* for explanation of refinancing, see note following account 200, "Notes payable").

* * * * *

[FR Doc.76-6134 Filed 3-2-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

NATIONAL WILDLIFE REFUGE SYSTEM

Public Use Regulations

The United States Fish and Wildlife Service on March 18, 1975 (40 FR 12270) proposed that Part 25—General Provisions, Part 26—Restricted or Prohibited Acts, Part 27—Enforcement Provisions, Part 28—Public Access, Use, and Recreation of Title 50, Code of Federal Regulations, be reorganized and revised to present the regulations in a more logical arrangement for clarity and ease of understanding.

The public was afforded an opportunity to submit written comments, suggestions or objections with respect to the proposed revisions until May 15, 1975. Generally, the limited response was favorable.

These final regulations reflect consideration of all comments received on the proposed rulemaking. Minor editorial changes were suggested and adopted throughout.

Section 27.22 concerning taking wildlife from rights-of-way was deleted as taking of wildlife from road rights-of-way is covered by State regulations. It would preclude hunting from areas such as boundary line clearings, pipeline and electric high line rights-of-way, levees, etc., which was not the intent of the proposed regulations.

A portion of § 27.31(e) regarding permissible noise level emissions from motor vehicles was eliminated since it is generally regulated by the respective States.

Wording regarding sewage discharge was changed, § 27.32(b)(5), to conform to Environmental Protection Agency regulations.

Section 27.51(b), regarding scientific collection permits was eliminated since it is covered elsewhere in the regulations.

The new regulations will be effective April 2, 1976.

PART 25—ADMINISTRATIVE PROVISIONS

Subpart A—Introduction

Sec.
25.11 Purpose of regulations.
25.12 Definitions.
25.13 Other applicable laws.

Subpart B—Administrative Provisions

25.21 Closing national wildlife refuges.
25.22 Lost and found articles.

Subpart C—Public Notice

25.31 General Provisions.

Subpart D—Permits

25.41 General provisions.
25.42 Permits required to be exhibited on request.
25.43 Revocation of permits.

Subpart E—Fees and Charges

25.51 General provisions.

Subpart F—Concessions

25.61 General Provisions.

Subpart G—Safety Regulations

25.71 Public safety.
25.72 Reporting of accidents.

AUTHORITY: The provisions of this Part 25 are issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 476 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.S. 668dd).

Subpart A—Introduction

§ 25.11 Purpose of regulations.

(a) The regulations of this subchapter govern the general administration of national wildlife refuges, public notice of changes in Service policy regarding the national wildlife refuges, the issuance of

permits required on national wildlife refuges, and other administrative aspects of national wildlife refuges.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

§ 25.12 Definitions.

(a) As used in the rules and regulations in this subchapter:

"National Wildlife Refuge System" means all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction.

"National wildlife refuge" means any area of the National Wildlife Refuge System except wildlife management areas.

"Wildlife management area" (sometimes referred to as "coordination areas") means any area of acquired land or public land withdrawn by the U.S. Fish and Wildlife Service and made available to the various States, or instrumentalities thereof, by cooperative agreement for management of wildlife resources in accordance with the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 661), as amended.

"Waterfowl production area" means any wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

"Big game" means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, and peccary, or such species as the separate States may so classify within their boundaries.

"Migratory bird" means and refers to those species of birds listed under § 10.13 of this chapter.

"Authorized official" means any Federal, State or local official empowered to enforce provisions of this Subchapter C.

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of Subchapter C of this Title 50.

§ 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

Subpart B—Administrative Provisions

§ 25.21 Closing national wildlife refuges.

Once opened, all or any part of a national wildlife refuge may be closed to public access and use in accordance with the provisions in § 25.31, without advance notice, in the event of an emergency endangering life or property or to protect the resources of the area.

§ 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

Subpart C—Public Notice

§ 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this Subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of 26.33 of this Subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

Subpart D—Permits

§ 25.41 General provisions.

Permits required by this Subchapter C can be obtained from the administrative office responsible for the refuge where the activity is to take place. If the applicant is required to obtain the applicable permit from the Director or Secretary, the refuge manager will so inform the applicant, giving the applicant all the necessary information as to how and where to apply.

§ 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 25.43 Revocation of permits.

A permit may be terminated or revoked at any time for noncompliance with the terms thereof or of the regulations in this Subchapter C, for nonuse, for violation of any law, regulation or order applicable to the refuge, or to protect public health or safety or the resources of a national wildlife refuge.

Subpart E—Fees and Charges

§ 25.51 General provisions.

Reasonable charges and fees may be established for public recreation use of national wildlife refuges. Regulations regarding recreation fees are contained in 43 CFR 18.

Subpart F—Concessions

§ 25.61 General provisions.

Public use facilities may be operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Safety G—Safety Regulations

§ 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this Subchapter C for each individual refuge and with any safety provisions which may be included in leases, agreements, or use permits.

§ 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required.

PART 26—PUBLIC ENTRY AND USE

Subpart A—Introduction

Sec.

26.11 Purpose of regulations.

Subpart B—Public Entry

26.21 General trespass provision.
26.22 General exception for entry.
26.23 Exception for entry to the headquarters office.
26.24 Exception for entry when accompanied by refuge personnel.
26.25 Exception for entry to persons with an economic use privilege.
26.26 Exception for entry for use of emergency shelter.
26.27 Exception for entry on designated routes of travel.

Subpart C—Public Use and Recreation

26.31 General provisions.
26.32 Recreational uses.
26.33 Special regulations.
26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges. (Reserved)
26.35 Cabin sites.
26.36 Public assemblies and meetings.

AUTHORITY: The provisions of this Part 26 are issued under Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651

(16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 680d).

Subpart A—Introduction

§ 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

Subpart B—Public Entry

§ 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this Subchapter C or in other applicable Federal regulations.

(b) No unconfined domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of § 26.34, § 27.91 or § 29.2 of this Subchapter C.

§ 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this Subchapter C, the provisions of any special regulations and any other official notification as is appropriate under § 25.31.

(b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of Subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

§ 26.23 Exception for entry to the headquarters office.

The headquarters office of any national wildlife refuge is open to public access and admission during regularly established business hours.

§ 26.24 Exception for entry when accompanied by refuge personnel.

A permit is not required for access to any part of a national wildlife refuge by a person when accompanied by refuge personnel.

§ 26.25 Exception for entry to persons with an economic use privilege.

Access to and travel upon a national wildlife refuge by a person granted economic use privileges on that national wildlife refuge should be restricted to a specified area in accordance with the provisions of their agreement, lease, or permit.

§ 26.26 Exception for entry for use of emergency shelter.

A permit is not required for access to any national wildlife area for temporary shelter or temporary protection in the event of emergency conditions.

§ 26.27 Exception for entry on designated routes of travel.

A permit is not required to enter, travel on, and exit from any national wildlife refuge on public waters and roads, and such roads, trails, footpaths, walkways, or other routes and areas which are designated for public use under the provisions of this Subchapter C.

Subpart C—Public Use and Recreation

§ 26.31 General provisions.

Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations.

§ 26.32 Recreational uses.

Recreational uses such as, but not limited to, sightseeing, nature observation and photography, interpretive centers and exhibits, hunting and fishing, bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities may be permitted on national wildlife refuges. When such uses are permitted the public will be notified under the provisions of this Subchapter C.

§ 26.33 Special regulations.

(a) Special regulations shall be issued for public use, access, and recreation within certain individual national wildlife refuges where there is a need to amend, modify, relax or make more stringent the regulations contained in this Subchapter C. The issued special regulations will supplement the provisions in this Part 26.

(b) Special recreational use regulations may contain the following items.

(1) Recreational uses authorized.

(2) Seasons, period, or specific time of use.

(3) Description of areas open to recreation.

(4) Specific conditions or requirements.

(5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER and may be codified in the Code of Federal Regulations. They shall be issued in compliance with procedures contained in the Departmental Manual.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges. [Reserved]

NOTE: For FEDERAL REGISTER citations to regulations effecting temporary and special regulations on national wildlife refuges, see List of CFR Sections affected which may be obtained from the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

§ 26.35 Cabin sites.

(a) There shall be no new private cabin site permits issued for national wildlife refuges. All appropriate provisions of 43 CFR 21 apply to the phaseout of existing permits on national wildlife refuges.

(b) No new government owned cabin site permits for private recreational purposes shall be issued nor shall existing permits be renewed.

§ 26.36 Public assemblies and meetings.

(a) Public meetings, assemblies, demonstrations, parades and other public expressions of view may be permitted within a national wildlife refuge open to public use, provided a permit therefore has been issued by the refuge manager.

(b) Any application for such permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The refuge manager may issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The activity will present a clear and present danger to public health or safety, or undue disturbance to the other users or resources of the area; or

(3) The activity is of such nature that it cannot be reasonably accommodated in the particular national wildlife refuge; or

(4) The activity conflicts with the purposes of the national wildlife refuge.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the national wildlife refuge for the purpose for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

PART 27—PROHIBITED ACTS

Subpart A—Introduction

Sec.
27.11 Purpose of regulations.

Subpart B—Taking Violations

27.21 General provisions.

Subpart C—Disturbing Violations: With Vehicles

27.31 General provisions regarding vehicles.
27.32 Boats.
27.33 Water skiing.
27.34 Aircraft.

Subpart D—Disturbing Violations: With Weapons

27.41 General provisions.
27.42 Firearms.
27.43 Weapons other than firearms.

Subpart E—Disturbing Violations: Against Plants and Animals

27.51 Disturbing, injuring, and damaging plants and animals.
27.52 Introduction of plants and animals.

Subpart F—Disturbing Violations: Against Nonwildlife Property

27.61 Destruction or removal of property.

Sec.
27.62 Search for and removal of objects of antiquity.
27.63 Search for and removal of other valued objects.
27.64 Prospecting and mining.
27.65 Tampering with vehicles and equipment.

Subpart G—Disturbing Violations: Light and Sound Equipment

27.71 Motion or Sound Pictures.
27.72 Audio Equipment.
27.73 Artificial lights.

Subpart H—Disturbing Violations: Personal Conduct

27.81 Alcoholic beverages.
27.82 Possession and delivery of controlled substances.
27.83 Indecency and disorderly conduct.
27.84 Interference with persons engaged in authorized activities.
27.85 Gambling.
27.86 Begging.

Subpart I—Other Disturbing Violations

27.91 Field trials.
27.92 Private structures.
27.93 Abandonment of property.
27.94 Disposal of Waste.
27.95 Fires.
27.96 Advertising.
27.97 Private Operations.

AUTHORITY: The provisions of this Part 27 issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. ul5i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; Sec. 4, 76 Stat. (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd)p (5 U.S.C. 685, 752, 690d); 16 U.S.C. 715s).

Subpart A—Introduction

§ 27.11 Purpose of regulations.

(a) The regulations in this part govern those acts by the public which are prohibited once the public is allowed to enter a national wildlife refuge as provided in 50 CFR 26, except as permitted in this part and under 50 CFR 25, Subpart D.

Subpart B—Taking Violations

§ 27.21 General provisions.

No person shall take any animal or plant on any national wildlife refuge, except as authorized under 50 CFR 27.51 and Parts 31, 32, and 33 of this Subchapter C.

Subpart C—Disturbing Violations: With Vehicles

§ 27.31 General provisions regarding vehicles.

Travel in or use of any motorized or other vehicles, including those used on air, water, ice, snow, is prohibited on national wildlife refuges except on designated routes of travel, as indicated by the appropriate traffic control signs or signals and in designated areas posted or delineated on maps by the refuge manager and subject to the following requirements and limitations:

(a) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(b) No operator of a vehicle shall be under the influence of intoxicating beverages or controlled substances.

(c) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the travel way is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

(d) The vehicle speed limit shall not exceed 25 m.p.h. except as otherwise legally posted.

(e) (1) Every motor vehicle shall at all time be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited.

(2) A refuge manager, by posting of appropriate signs or by marking on a map which shall be available at the refuge headquarters, may require that any motor vehicle operating in the designated area shall be equipped with a spark arrestor that meets standard 5100–1a of the United States Forest Service, Department of Agriculture which standard includes the requirements that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrestor has been warranted by its manufacturer as meeting the above mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturers recommendations.

(f) The operation of a vehicle which does not bear valid license plates and is not properly certified, registered, or inspected in accordance with applicable State laws is prohibited.

(g) Driving or permitting another person to drive a vehicle without valid license is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized official.

(h) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon any road, trail, or fire lane so as to obstruct the free movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized official.

(i) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

(j) Load, weight and width limitations, as may be necessary, shall be prescribed and the public advised under provisions of § 25.31. Such limitations must be complied with by the operators of all vehicles.

(k) A motor vehicle involved in an accident is not to be moved until an authorized official arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

(l) A motor vehicle shall not be operated at anytime without proper brakes and brake lights, or from sunset to sunrise without working headlights and taillights which comply with the regulations for operation on the roads of the State within whose boundaries the refuge is located.

(m) Such other requirements which are established under the provisions of this Subchapter C.

§ 27.32 Boats.

(a) The use of boats in national wildlife refuges is prohibited except as may be authorized under and subject to the requirements set forth below.

(b) When the use of boats is permitted on any national wildlife refuge, the public will be notified under the provisions of this Subchapter C and the following operational requirements and limitations will apply:

(1) (i) In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, Titles 33 and 46, Code of Federal Regulations, are applicable on navigable waters of the United States.

(ii) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boating and the operation and use of boats. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(2) No operator or person in charge of any boat shall operate or knowingly permit any other person to operate a boat in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person, property or wildlife.

(3) No person shall operate or be in actual physical control of a boat while under the influence of intoxicating beverages or controlled substances.

(4) No person shall operate a boat in a manner which will unreasonably interfere with other boats or with free and proper navigation of the waterways of the areas. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(5) No person shall operate a boat on refuge waters that has a marine head

(toilet) unless it conforms to Environmental Protection Agency regulations regarding sewage discharge.

(6) Every sailboat when underway from sunset to sunrise shall carry and exhibit a bright white light visible all around the horizon for a distance of two miles.

(7) Leaving any boat unattended, outside of designated mooring or beaching areas, for a period in excess of 72 hours without written permission of the refuge manager is prohibited and any boat so left may be impounded by the refuge manager.

(8) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the refuge manager.

§ 27.33 Water skiing.

When water skiing is permitted upon national wildlife refuge waters, the public will be notified under the provisions of this Subchapter C and the following requirements and limitations will apply:

(a) Water skiing is permitted only during daylight hours and during periods posted or otherwise designated under the provisions of this Subchapter C.

(b) When a skier is in "tow" there must be two persons in the boat at all times, with one person not operating the boat, acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear U.S. Coast Guard approved ski belts, life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any designated swimming area.

§ 27.34 Aircraft.

The unauthorized operation of aircraft, including sail planes, and hang gliders, at altitudes resulting in harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency, is prohibited. National wildlife refuge boundaries are designated on up-date FAA aeronautical charts.

Subpart D—Disturbing Violations: With Weapons

§ 27.41 General provisions.

Carrying, possessing, or discharging firearms, fireworks, or explosives on national wildlife refuges is prohibited unless specifically authorized under the provisions of this Subchapter C.

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of 50 CFR 32.

(b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of Subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trails, and other special purposes.

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provisions of this Subchapter C.

Subpart E—Disturbing Violations: Against Plants and Animals

§ 27.51 Disturbing, injurying, and damaging plants and animals.

(a) Disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on any national wildlife refuge is prohibited except by special permit unless otherwise permitted under this Subchapter C.

§ 27.52 Introduction of plants and animals.

Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

Subpart F—Disturbing Violations: Against Nonwildlife Property

§ 27.61 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects or private property on or from any national wildlife refuge is prohibited.

§ 27.62 Search for and removal of objects of antiquity.

No person shall search for or remove from national wildlife refuges objects of antiquity except as may be authorized by 43 CFR 3.

§ 27.63 Search for and removal of other valued objects.

(a) No person shall search for buried treasure, treasure trove, valuable semiprecious rocks, stones, or mineral specimens on national wildlife refuges unless authorized by permit or by provision of this Subchapter C.

(b) Permits are required for archeological studies on national wildlife refuges in accordance with the provisions of this Subchapter C.

§ 27.64 Prospecting and mining.

Prospecting, locating, or filing mining claims on national wildlife refuges is prohibited unless otherwise provided by law. See § 29.21 for provisions concerning mineral leasing.

§ 27.65 Tampering with vehicles and equipment.

Tampering with, entering, or starting any motor vehicle, boat, equipment or machinery or attempting to tamper with, enter, or start any motor vehicle, boat, equipment or machinery on any national wildlife refuge without proper authorization is prohibited.

Subpart G—Disturbing Violations: Light and Sound Equipment

§ 27.71 Motion or sound pictures.

The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR 5.

§ 27.72 Audio equipment.

The operation or use of audio devices including radios, recording and playback devices, loudspeakers, television sets, public address systems and musical instruments so as to cause unreasonable disturbance to others in the vicinity is prohibited.

§ 27.73 Artificial lights.

No unauthorized person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any national wildlife refuge or along rights-of-way for public or private roads within a national wildlife refuge.

Subpart H—Disturbing Violations: Personal Conduct

§ 27.81 Alcoholic beverages.

Entering or remaining in any national wildlife refuge when under the influence of alcohol, to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity, is prohibited.

§ 27.82 Possession and delivery of controlled substances.

(a) Definitions for the purpose of this section:

(1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (21 U.S.C. 812) or any drug or substance added to these schedules pursuant to the terms of the Controlled Substance Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacist, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer and/or distribution of a controlled substance, whether or not there exists an agency relationship.

(b) Offenses.

(1) The delivery of any controlled substance on a national wildlife refuge is prohibited, except that distributed by a practitioner in accordance with applicable law.

(2) The possession of a controlled substance on a national wildlife refuge is prohibited unless such substance was ob-

tained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a national wildlife refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a national wildlife refuge is prohibited.

§ 27.83 Indecency and disorderly conduct.

Any act of indecency or disorderly conduct as defined by State or local laws is prohibited on any national wildlife refuge.

§ 27.84 Interference with persons engaged in authorized activities.

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

§ 27.85 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any national wildlife refuge is prohibited.

§ 27.86 Begging.

Begging on any national wildlife refuge is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

Subpart I—Other Disturbing Violations

§ 27.91 Field trials.

The conducting or operation of field trials for dogs on national wildlife refuges is prohibited except as may be authorized by special permit.

§ 27.92 Private structures.

No person shall without proper authority construct, install, occupy, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction in any national wildlife refuge.

§ 27.93 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any national wildlife refuge is prohibited.

§ 27.94 Disposal of waste.

(a) The littering, disposing, or dumping in any manner of garbage, refuse sewage, sludge, earth, rocks, or other debris on any national wildlife refuge except at points or locations designated by the refuge manager, or the draining or dumping of oil, acids, pesticide wastes, poisons, or any other types of chemical wastes in, or otherwise polluting any waters, water holes, streams or other areas within any national wildlife refuge is prohibited.

(b) Persons using a national wildlife refuge shall comply with the sanitary requirements established under the provisions of this Subchapter C for each individual refuge; the sanitation provisions which may be included in leases, agreements, or use permits, and all applicable Federal and State laws.

§ 27.95 Fires.

On all national wildlife refuges persons are prohibited from the following:

(a) Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material including camp or cooking fires, except as authorized by the refuge manager or at locations designated for that purpose or as provided for under § 26.33(c) of this Subchapter C.

(b) Leaving a fire unattended or not completely extinguished;

(c) Throwing a burning cigarette, match, or other lighted substance from any moving conveyance or throwing of same in any place where it may start a fire; and

(d) Smoking on any lands, including roads, or in any buildings which have been designated and/or posted with no smoking signs.

§ 27.96 Advertising.

Except as may be authorized, posting, distributing, or otherwise displaying private or public notices, advertisements, announcements, or displays of any kind in any national wildlife refuge, other than business designations on private vehicles or boats is prohibited.

§ 27.97 Private operations.

Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited except as may be authorized by special permit.

PART 28—ENFORCEMENT, PENALTY, AND PROCEDURAL REQUIREMENTS FOR VIOLATIONS OF PARTS 25, 26, AND 27

Subpart A—Introduction

Sec.
28.11 Purpose of regulations.

Subpart B—Enforcement Authority

28.21 General provisions.

Subpart C—Penalty Provisions

28.31 General penalty provisions.
28.32 Penalty provisions concerning fires and timber.

Subpart D—Impoundment Procedures

28.41 Impoundment of abandoned property.
28.42 Impounding of domestic animals.
28.43 Destruction of dogs and cats.

AUTHORITY: The provisions of this Part 28 are issued under Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 301).

Subpart A—Introduction

§ 28.11 Purpose of regulations.

The regulations in this part govern the enforcement, penalty and procedural requirements for violations of parts 25, 26, and 27.

Subpart B—Enforcement Authority

§ 28.21 General provisions.

Refuge managers and other authorized personnel are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9) to protect fish and wildlife and their habitat and prevent their disturbance, to protect Service property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State, and local laws and regulations: the provisions of this Subchapter C and any special regulations issued pursuant thereto; and the prohibitions and restrictions as posted.

Subpart C—Penalty Provisions

§ 28.31 General penalty provisions.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this Subchapter C, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under the Subchapter C shall be subject to the penalty provisions of this section.

(b) Failure of any person, utilizing the resources of any national wildlife refuge or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this Subchapter C or to comply with any applicable provisions of Federal or State law may render such person liable to:

(1) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k–3; Sec. 4, 80 Stat. 927, as amended, 16 U.S.C. 668dd(e); Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41).

§ 28.32 Penalty provisions concerning fires and timber.

(a) Any person violating sections 1855–1856 of the Criminal Code (18 U.S.C. 1855–1856) as they pertain to fires on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

(b) Any person violating sections 1852–1853 of the Criminal Code (18 U.S.C. 1852–1853) as they pertain to timber on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

Subpart D—Impoundment Procedures

§ 28.41 Impoundment of abandoned property.

Any property abandoned or left unattended without authority on any national wildlife refuge for a period in excess of 72 hours is subject to removal. The expense of the removal shall be borne by the person owning or claiming ownership of the property. Such prop-

erty is subject to sale or other disposal after 3 months, in accordance with § 203m of the Federal Property and Administrative Services Act of 1959, as amended (40 U.S.C. 484m), and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 28.42 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any national wildlife refuge may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date of a legal notice of the impounding has been posted at the county courthouse and 15 days after the second notice published in a newspaper in general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for, capturing, impounding, advertising, care, forage, and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Federal Government in all livestock trespass cases on national wildlife refuges, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to national wildlife refuge property injured or destroyed, and all the related expenses incurred in the impounding, caring for and disposing of the animal. The salary of Service employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be prorated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the U.S. Fish and Wildlife Service.

§ 28.43 Destruction of dogs and cats.

Dogs and cats running at large on a national wildlife refuge and observed by an authorized official in the act of killing, injuring, harassing or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

FEBRUARY 24, 1976.

[FR Doc.76-5970 Filed 3-2-76;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.

[32 CFR Part 243]

DEPARTMENT OF DEFENSE

Office of the Secretary

INTERGOVERNMENTAL COORDINATION OF DOD LAND AND FACILITY PLANS AND PROJECTS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552 there is hereby published a proposed addition of Part 243 to this subchapter. The purpose of the new Part is to promulgate the Department of Defense's implementation of the Office of Management and Budget Circular A–95 as required by the Notice in the FEDERAL REGISTER on January 13, 1976 (FR Vol. 41, No. 8).

The proposed Part establishes policies, responsibilities and procedures for an intergovernmental process to facilitate the coordination of appropriate DoD land and facilities plans and projects in the United States with State, areawide, local government and other Federal agencies. Conversely the procedures will provide for the establishment of a coordination mechanism for the evaluation of State, areawide, local government and other Federal agency plans and programs which might impact on DoD activities in the United States.

It is anticipated that this proposed Part will be promulgated in final form on or about April 29, 1976 and become effective on that date.

Interested persons may submit written comments, suggestions or objections covering this proposed rulemaking to the Office of the Assistant Secretary of Defense (Installations and Logistics), ATTN: ODASD(I&H), Code IB, Room 3E752, The Pentagon, Washington, D.C. 20301, on or before April 5, 1976. All written comments received from the public through that date will be considered by the Department in formulating the final Part. Comments will not be acknowledged.

The comments received will be available for public inspection by appointment between the hours of 9 AM and 4 PM, Monday through Friday, from April 5, 1976 through April 19, 1976 by calling the Office of the Secretary of Defense, Freedom of Information Registrar, at the Pentagon, at (202) 697–1171.

The proposed Part 243 reads as follows:

PART 243—INTERGOVERNMENTAL COORDINATION OF DOD LAND AND FACILITY PLANS AND PROJECTS

Sec.

243.1 Purpose.
243.2 Applicability and scope.
243.3 Policy.
243.4 Responsibilities.
243.5 Procedures.
243.6 Examples of other agency plans and programs which may require DoD component review and/or input.
243.7 Examples of A–95 coordinating agencies.
243.8 DoD Federal Regional Council liaison representatives for A–95 matters.
243.9 Effective date and implementation.

AUTHORITY: The provisions of Part 243 issued under OMB Circular Number A–95 of January 13, 1976.

§ 243.1 Purpose.

This Part:

(a) Establishes DoD policies, responsibilities, and procedures for an intergovernmental coordination process pursuant to Title IV of the Intergovernmental Cooperation Act of 1968 (42 USC 4231) to facilitate the coordination of appropriate DoD land and facility plans and projects in the United States with State, regional, local government and other Federal agencies.

(b) Provides policy, responsibilities and procedures for a DoD review process to evaluate State, regional, local government and other Federal agency plans and programs which may affect the land and facility plans and projects of DoD activities in the United States.

(c) Implements Office of Management and Budget Circular Number A–95 with specific reference to Part II thereof.

§ 243.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments (excluding the Civil Works function of the Corps of Engineers and the Defense Civil Preparedness Agency) and the Defense Agencies (hereinafter referred to collectively as "DoD Components").

(b) This Part encompasses (1) all Components for construction (regardplans and projects developed by DoD less of funding source), acquisition of real property, substantial changes in existing utilization of military installations and real property, and disposal of real property which may affect State, areawide or community development and/or plans and conversely (2) all plans and programs developed and implemented by State, areawide, local government or other Federal agencies which may affect the land and facility plans and projects of DoD activities. A representative listing of such non-DoD agency plans and programs is contained in § 243.6. An illustrative list of the non-DoD agencies involved in such plans and programs is contained in § 243.7.

(c) The policies, responsibilities and procedures discussed in this Part do not substitute for or limit compliance with existing laws, executive orders and applicable Federal regulations applying to requirements such as contained in the National Environmental Policy Act (NEPA) of 1969 (PL 91–190) as implemented by DoD Directive 6050.1 (32 CFR 214); Federal Water Pollution Control Act; Executive Order 11512, Planning, Acquisition and Management of Federal Space; and the Coastal Zone Management Act as implemented by DoD Directive 4165.59.[1]

§ 243.3 Policy.

(a) DoD Components shall establish and maintain an intergovernmental coordination management process to achieve full consultation with required State and areawide clearinghouses and other elected and appointed officials at the earliest appropriate stage of planning for construction, acquisition of real property, substantial changes in the utilization of military installations and real property, and disposal of real property, that may affect State, areawide and community development and/or plans.

(b) DoD Components, which conduct activities or operate installations which may be affected by the plans or programs of other governmental agencies, shall actively engage in the community planning process by providing information, policy and position statements on these plans and programs to the appropriate agencies.

(c) Implementation of this Part is intended to assure maximum feasible consistency of plans, programs and projects of the DoD as well as State, areawide, local government and other Federal planning agencies; to identify those plans and projects that may be duplicative or in conflict; and to provide a management process to facilitate resolving any such differences.

(d) To the extent practicable, individual DoD Components shall make every effort to ensure that their plans and projects are consistent and compatible with the plans and projects of other DoD Components in the area and with the development plans and programs of State, areawide, local government and other Federal agencies and shall encourage reciprocal actions by these agencies with regard to their plans and programs.

(e) DoD Components will provide clearinghouse activities with required information, standards and criteria as contained in DoD Instruction 4270.1[1] and similar Military Department publications and positions in regard to the review process which are consistent with applicable DoD policies and guidance. To the extent practicable, DoD Compo-

[1] Filed as part of original. Copies available Naval Forms and Publications Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Code: 300.

nents shall make every reasonable effort to ensure that conflicting information is not provided. Should a significant dichotomy of policy or criteria develop, expeditious action will be taken by the cognizant DoD Components to present the problem to the Office of the Assistant Secretary of Defense (Installations and Housing) for resolution.

§ 243.4 Responsibilities.

(a) The Assistant Secretary of Defense (Installations and Logistics) (ASD(I&L)), or his designee, shall:

(1) Serve as the Secretary of Defense's responsible official for Office of Management and Budget Circular Number A–95 and to act as the focal point for all matters pertaining thereto.

(2) Ensure that DoD directives, instructions, and other major DoD issuances are reviewed for their effect on intergovernmental coordination in accordance with the policies and procedures contained in this Part.

(3) Maintain liaison with the Office of Management and Budget and other Federal agencies with respect to intergovernmental relationships encompassed in Office of Management and Budget Circular Number A–95.

(4) Evaluate significant events and experiences; resolve problem areas provided by DoD Components, DoD Federal Regional Council (FRC) Liaison Officers, and clearinghouse activities; and provide the necessary guidance to all applicable organizations.

(5) Assign a lead DoD Component to effect the coordination stipulated in this Part where a required review of plans and programs of a non-DoD agency involves more than one DoD Component.

(b) The General Counsel shall:

(1) Advise the ASD(I&L) of all new legislation which has or may have a potential impact on the activities, policies and procedures contained in this Part, as well as other new laws which should be implemented by this Part.

(2) Apprise the ASD(I&L) of litigation which interprets, modifies and/or clarifies the enactments referenced in this Part.

(c) the DoD Components shall:

(1) Establish and maintain an intergovernmental coordination management process concerning their land and facility plans and projects as prescribed in this Part.

(2) Develop and publish documents for the implementation of the policies, responsibilities and procedures contained in this Part.

(3) Monitor the application of policies, responsibilities and procedures contained in this Part within their subordinate elements.

(4) Designate a single headquarters point of contact for A–95 matters covered by this Part and identify the individual or office to the ASD(I&L) together with any subsequent changes in this designation.

(5) Develop procedures which will ensure that copies of clearinghouse activity comments, reviews, determinations, recommendations and current status on DoD plans and projects are properly available and retained.

(6) Establish appropriate procedures to ensure that planned actions within the Hudson River Basin are not initiated prior to final clearance by the Department of the Interior. The Secretary of Interior is the U.S. official designated to negotiate a compact among the States involved to assure the development, preservation and restoration of the natural, scenic history and recreational resources of the Hudson River Basin, and is responsible for consulting with, and reviewing all plans, programs, projects and grants of all Federal agencies within, or affecting the basin.

(7) Designate a knowledgeable and qualified person as an additional duty in accordance with § 243.8 for each of the ten Federal regions to serve as the DoD Federal Regional Council (FRC) Liaison Officer for the OASD(I&L) for all DoD A–95 matters within the cognizance of the Region. The identification of each DoD FRC Liaison Officer will be provided to the ASD(I&L) and will receive the widest possible dissemination, as will any subsequent changes in this designation.

(d) The State and areawide A–95 clearinghouse pursuant to Office of Management and Budget Circular Number A–95 will:

(1) Receive from DoD Components information and data regarding those plans and projects covered by this Part and disseminate same to agencies having an interest.

(2) Review, evaluate and provide comments and recommendations, as appropriate within the specified time frame, on the plans and projects submitted by DoD Components. Comments and recommendations are forwarded to the DoD Components making the submission and will normally contain those of all interested Federal agencies as well as those of the State and areawide clearinghouse activities.

(3) Provide for comment to DoD Components information on plans and programs proposed by State, areawide, local government and other Federal planning agencies that may affect DoD Component plans and projects.

§ 243.5 Procedures.

(a) *General.* (1) DoD Components should utilize cooperative agreements in the form of memoranda of understanding to establish the information and data which will be submitted to clearinghouses and the time frames in which the submittals will be made within the guidelines contained in this Part. DoD Components shall coordinate with DoD FRC Liaison Officers to determine those specific clearinghouses and/or activities with whom DoD Components shall establish such memoranda. When a determination is made by a DoD Component that the establishment of a cooperative agreement with a particular clearinghouse is desirable and possible, all DoD Components which have installations within the clearinghouse geographical area should become parties to the agreement. When such agreements are used, the application and content shall be uniform and shall be consistent with the policies and procedures contained in this Part. However, cooperative agreements which predate this Part may continue in force.

(2) DoD Components will maintain, as part of the records of each review, the comments received from the clearinghouse together with the current status of the review.

(3) The specific information and data to be provided to the clearinghouses depends upon the particular plan or project and must be determined by each DoD Component element. However, such information as is normally available for construction projects such as site location, scope of work, type of construction, description of work, etc., together with necessary site plans should be provided to the clearinghouse activities. Justification or rationale for the project, however, is not normally to be provided. In general, sufficient information and data necessary to review and evaluate the plan or project in question is to be provided.

(4) Requests from clearinghouse activities for additional information and data should be handled in accordance with the provisions of DoD Directives 5400.7 and 5400.10 (32 CFR 286 and 297). In cases of a negative response to a clearinghouse request for information, the DoD Component shall so advise the clearinghouse in writing, with appropriate explanation, and ensure that this response is a part of the record maintained for that particular review.

(5) Classified data on a DoD Component plan or project is not to be provided to any non-DoD agency without the necessary authority for the agency to receive such data and the availability of the necessary procedures and facilities to safeguard it.

(6) A period of 30–45 days, or as mutually agreed upon by the DoD Component and appropriate clearinghouse or activities specified in a cooperative agreement, sufficient for a thorough review, shall be allowed for review, consolidation of agency comments, and notification to the DoD Component of the results of the clearinghouse review. However, cooperative agreements should also contain provisions for procedures to shorten or extend the time allowed for performance of clearinghouse functions in case such need arises. If no comments or recommendations are received from the clearinghouse and/or specified activities within the agreed period, the DoD Component shall prepare a statement for the record to that effect. This statement shall become a part of the permanent record maintained for each specific review and shall constitute State and areawide clearinghouses and/or specified activities concurrence in the proposed DoD Component plan or project.

(7) Upon receipt of clearinghouse comments, questions and/or recommendations, DoD Components shall make every reasonable effort to accommodate, modify or otherwise change their plans so as to be consistent to the extent prac-

ticable with clearinghouse comments. If, however DoD Components determine that changes recommended by the clearinghouses cannot be made, DoD Components will so advise the clearinghouses in writing, with appropriate explanation, and will ensure that this response is made a part of the permanent record maintained for that particular review.

(8) Applicable DoD Components will have complied with the intergovermental coordination requirements pursuant to OMB Circular A–95, Part II by submission of the necessary plans and projects in accordance with the provisions of this Part to appropriate A–95 clearinghouses and/or specified activities. DoD Components are cautioned, however, that compliance with the provisions of this Part does not constitute compliance with the requirements of such laws, executive orders, and Federal regulations which govern NEPA, Federal Water Pollution Control Act, etc., because these require special considerations which are covered in other publications. DoD Components should also be aware that there are other appropriate local government activities not covered by the clearinghouse procedures which may have an interest in the plans and projects under consideration. Such additional coordination should be considered on the same basis as are the official clearinghouse activities and be consistent with the security, sensitivity and other considerations involved.

(9) DoD Components responsible for land and facility plans and projects covered by this Part in the National Capital Region (as defined in Section 1(b) of the National Capital Planning Act of 1952, as amended) shall coordinate with the National Capital Planning Commission in addition to any appropriate areawide and State clearinghouses which may require review of the DoD plans and/or projects, except as provided for under the provisions of Section 610, Public Law 93–166.

(b) DoD Component Plans and Projects.

(1) There are no minimum quantitative levels that can be utilized to determine whether a specific planned action or project shall be coordinated with State and areawide clearinghouses. However, as a general rule repair, maintenance and rehabilitation projects are excluded from the provisions of this Part unless they result in substantially increased capacity or change in primary functions of facilities which could affect non-DoD utility services and systems, road networks or other such facilities in the surrounding area or region. Similarly, urgent minor construction projects accomplished under the provisions of 10 USC 2674 and military contingency projects involving national security would normally be excluded from the provisions of this Part. In general, the following type of plans and projects are to be considered for submission to State and areawide clearinghouses:

(i) Military Department Approved Installation Master Plans developed in accordance with the provisions of DoD Instruction 4270.1.[2]

(ii) Major Military Construction and/or Family Housing Projects included in the current fiscal year DoD Military Construction and Family Housing Program which may affect State, areawide or community development and/or plans, especially as regards utility systems, road networks, schools, transportation systems, etc.

(iii) Real Property Acquisition Projects approved by the appropriate Military Department or included in the current fiscal year DoD Military Construction and Family Housing Program which may affect State, areawide or community development and/or plans.

(iv) Military Department approved plans and projects which substantially change the utilization of military installations and real property and may affect State, areawide or community development and/or plans.

(v) Real Property Disposal Projects which may affect State, areawide or community development and/or plans.

(2) Any of the aforementioned planned actions may or may not affect the development and/or plans of the State or local area depending on the evaluation of the specific plans or projects under consideration. The decision whether or not a particular plan or project is to be coordinated with the appropriate clearinghouse activities, therefore, depends upon the judgment of the DoD Component element involved and should be based upon an evaluation of the impact on the locality and surrounding area where the planned action is to take place.

(3) The procedures discussed above cannot be considered a substitute for or compliance with the requirements of the NEPA, Federal Water Pollution Control Act, Coastal Zone Management Act, etc., since these require special considerations which are covered in other publications.

(c) Subject to such other provisions as may be required by the implementing guidelines of the National Environment Policy Act of 1969, Coastal Zone Management Act (DoD Directive 4165.59[1]) and other similar statutory and regulatory requirements, DoD Components should submit their plans and projects to State and areawide clearinghouses for review at the stage of the planning process indicated below.

(1) Military Installation Master Plan (DoD Instruction 4270.1[1]), should be submitted to the A–95 State and areawide clearinghouses by the cognizant DoD Component elements upon approval by the appropriate Military Department. Similarly, significant changes to the installation master plan should be submitted to the clearinghouse for review. Review of an installation's master plan will enable the clearinghouse activities to better understand and evaluate the impact of the land and facility use and requirements planned by the military installation in question. It will also facilitate the review of subsequent annual construction, acquisition and disposal of real property projects which may result from the continued implementation of the master plan.

(2) Information on appropriate major Military Construction and Family Housing Projects should be submitted to the required A–95 State and areawide clearinghouses by the cognizant DoD Component elements upon approval of a design directive for project development to be accomplished either in-house or by contract. With regard to the latter, the information should normally be provided to the clearinghouses upon initiation of architect-engineer (AE) selection for project development as announced in the Commerce Business Daily. However, DoD Component elements should evaluate any substantive changes in project development subsequent to completion of a clearinghouse review, for possible additional review. Since based on the foregoing, project information could be provided to clearinghouse prior to transmission of a propect in the Military Construction Program to the Congress, care must be exercised to ensure that no project data which indicates the year of funding or estimated cost of the project is provided to clearinghouses. Upon verification that a project is included in the current fiscal year DoD Military Construction Program which has been submitted to the Congress, appropriate additional information and documentation on the project (e.g. DD Forms 1391) may be provided to the clearinghouse for review provided it is consistent with the information submitted to the Congress. Proposed major military construction projects included in the Five Year Defense Plan will not be submitted to the clearinghouses individually or collectively except as provided for above. The requirements of the National Health Planning and Resources Development Act of 1975 do not basically change the review process specified in DoD Directive 6015.17[1] for military health and medical facility projects. Accordingly, DoD Component elements will continue to comply with the provisions of this reference for military health and medical facility projects. Each document (DD Form 1391) for projects subject to the provisions of this Part which are forwarded to the Office of the Secretary of Defense for review and approval pursuan to DoD Instruction 7040.4[1] will include a statement explaining the status of the clearinghouse review.

(3) Appropriate Real Property Acquisition Projects will be submitted to the required A–95 State and areawide clearinghouse by the cognizant DoD Component elements only upon verification that the project has been approved by the component authority in the concerned Military Department pursuant to 10 USC 2672 or, if Congressional approval is required, only upon verification that the project is included in the current fiscal year Military Construction Program submitted to the Congress. How-

ever, for exceptional cases, this procedure may be waived by the ASD(I&L).

(4) Appropriate plans and projects which may substantially change the utilization of military installations and real property will be submitted to the A–95 State and areawide clearinghouses by the cognizant DoD Component element only after approval by the competent authority of the concerned DoD Component and, if Congressional notification of the plan or action is required by existing DoD policy, only after the Congress has been officially notified of the plan or action by the responsible DoD Component authority.

(5) Appropriate real property disposal projects which require prior DoD approval in accordance with the provisions of DoD Instruction 4165.12 [1] will be submitted to the required A–95 State and areawide clearinghouses only after all required DoD screening has been completed and the disposal report required by 10 USC 2662 has been submitted to the Congress.

(d) DoD Federal Regional Council (FRC) Liaison Officers:

(1) Will serve as the OASD(L&L) local representatives.

(2) Shall keep all appropriate DoD Components within their assigned regions of responsibility informed of significant A–95 FRC activities.

(3) Shall, to the extent possible, resolve issues and problems between DoD Components and/or clearinghouse activities in regard to A–95 matters. A–95 issues and problems which cannot be resolved by the DoD FRC Liaison Officer will be expeditiously forwarded to the ASD(I&L) for resolution.

(4) Shall ensure that within their assigned regions, reviews of plans, programs and projects among DoD Components and between DoD Components and clearinghouse activities are uniform and consistent with the policies and procedures contained in this Part.

(5) Inform the ASD(I&L) of those events, experiences and problem areas which can be used to improve the DoD A–95 review process, so that these can be evaluated and disseminated to the other FRC Liaison Officers and interested personnel and activities.

§ 243.6 Examples of Other Agency Plans and Programs Which May Require DoD Component Review and/or Input.

Environmental Impact Assessments and Statements
Noise Abatement and Control Plans and Programs
Coastal Zone Management Plans and Programs
HUD 701 Comprehensive Plans and Programs
EPA Section 208 Areawide Waste Treatment Management Plans and Programs
Recreation Plans and Programs
Fish and Wildlife Conservation Plans and Programs
Air Quality Plans and Programs
Flood Control Plans and Programs
State and Regional Transportation Plans and Programs
State and Regional Land Use Plans and Programs
Energy Facility Siting Plans and Programs
FHA Mortgage Insurance Plans and Programs
VA Mortgage Insurance Plans and Programs
Primitive Area Plans and Programs
Wilderness Area Plans and Programs
Historic and Scenic Trails Plans and Programs

§ 243.7 Examples of A–95 Coordinating Agencies.[2]

Federal Agencies

Environmental Protection Agency (EPA)
Federal Aviation Administration (FAA of DOT)
Department of Health, Education, and velopment (HUD)
Veterans Administration (VA)
Federal Energy Administration (FEA)
Department of Health, Education and Welfare (HEW)
Bureau of Outdoor Recreation (BOR of DOI)
Bureau of Land Management (BLM of DOI)
U.S. Fish and Wildlife Service (USFWS of DOI)
U.S. Forest Service (USFS of DOA)
Soil Conservation Service (SCS of DOA)
U.S. Army Corps of Engineers
Federal Highway Administration (DOT)

State Agencies or Activities

Planning and Community Affairs
Economic Development
Transportation (Highway, Aeronautics)
Recreation Activities
Natural Resources Activities
Fish and Wildlife Activities
Land Agencies
Water Resources Agencies
Air Quality Agencies
Environment or Ecology Activities
Conservation Activities
Coastal Zone Management Activities

§ 243.8 DoD Federal Regional Council Liaison Representatives For A–95 Matters.

Standard Federal Regions

No.	Address of Federal regional council offices	DOD Federal regional council liaison representatives [3]
I	Region I Federal Regional Council Office, JFK Federal Bldg., Room E431, Boston, Mass. 02203.	Air Force.
II	Region II Federal Regional Council Office, 26 Federal Plaza, Room 3543A, New York, N.Y. 10007.	Army.
III	Region III Federal Regional Council Office, 4450 Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.	Navy.
IV	Region IV Federal Regional Council Office, 1371 Peachtree St. N.E., Suite 515, Atlanta, Ga. 30309.	Do.
V	Region V Federal Regional Council Office, 300 South Wacker Dr., 18th Floor, Chicago, Ill. 60606.	Air Force.
VI	Region VI Federal Regional Council Office, 1100 Commerce St., Room 9C28, Dallas, Tex. 75202.	Do.
VII	Region VII Federal Regional Council Office, 610 East 12th St., Kansas City, Mo. 64106.	Army.
VIII	Region VIII Federal Regional Council Office, Federal Bldg., Room 14041, 1961 Stout St., Denver, Colo. 80202.	Air Force.
IX	Region IX Federal Regional Council Office, 450 Golden Gate Ave., P.O. Box 36008, San Francisco, Calif. 94102.	Navy.
X	Region X Federal Regional Council Office, 1321 2d Ave., Seattle, Wash. 98101.	Army.

[3] Military Department responsible for designating ASD (I&L) representative.

§ 243.9 Effective Date and Implementation.

(a) The policies, responsibilities and procedures contained in this Part are effective immediately.

(b) Each DoD Component to which this Part is applicable will provide three copies of its implementing document to the Assistant Secretary of Defense (Installations and Logistics) within 90 days of the effective date of this publication.

PERRY J. FLIAKAS,
Deputy Assistant Secretary of Defense (Installations and Housing).

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

[FR Doc.76–6078 Filed 2–27–76;3:29 pm]

[2] This example of coordinating agencies for A–95 purposes is not a complete list. The actual coordinating agencies for which this DoD implementation of A–95 applies will depend upon State and areawide clearinghouse activity requirements and the circumstances of the plan or project to be reviewed and evaluated. Moreover, it is most important that DoD Components coordinating plans and projects do not consider the above listed agencies as complete as regards the compliance requirements of the National Environmental Policy Act of 1969 and the implementing guidelines of the Council on Environmental Quality; Federal Water Pollution Control Act and other such laws, Executive Orders and Federal regulations. Compliance with such requirements require special considerations which are contained in other publications.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Establishment of Seasons, Limits and Shooting Hours

Notice is hereby given that pursuant to authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This document is confined to minor modifications relating to basic hunting regulations in certain sections under Subparts B, C, D, E, G, and I, and the table of sections for Part 20, and to establishment of seasons, limits and shooting hours for migratory game birds under Subpart K.

"Migratory game birds" are those migratory birds included in the terms of conventions between the United States and any foreign nation for the protection of these birds. During the 1976–77 hunting season, regulations are proposed for certain designated members of the avian families Anatidae (wild ducks, geese, brant, and swans); Columbidae (wild doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and gallinules); and Scolopacidae (woodcock and snipe).

Notice of Intention to Establish Open Seasons

This notice announces the intention of the Secretary of the Interior to establish open hunting seasons, daily bag and possession limits, and shooting hours for all designated groups or species of migratory game birds for which hunting seasons are being considered for 1976–77 in the contiguous United States, Alaska, and Hawaii. Regulations for migratory game birds in Puerto Rico and the Virgin Islands will be proposed in a separate document.

Factors Affecting Regulations Process

This is the first notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations, and sets forth proposed season frameworks and shooting hours for the various groups of migratory game birds, as well as proposed daily bag and possession limits for certain groups or species for which these regulations ordinarily do not vary significantly from year to year. The proper setting of hunting regulations is one of the major tools available for managing migratory game birds and assuring wise utilization of these resources. The proposals set forth here for certain species, as well as the schedule by which more detailed proposals for these and other species will be developed, is dependent upon a number of factors including the conduct of various annual population and habitat surveys, the times when these surveys are conducted and results are available for analysis, times of migration and other biological considerations, and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for the development of regulations. For these reasons, the overall regulations process for hunting seasons and bag limits is divided into the following segments: (1) Regulations for migratory game birds in the contiguous United States, Alaska and Hawaii for which seasons prior to October 1 are proposed; (2) regulations for migratory game birds in the United States for which seasons opening on October 1 or later are proposed; and (3) regulations for migratory game birds in Puerto Rico and the Virgin Islands. The regulations development for each of the three categories will follow similar but independent lines. Additional supplemental proposals will be published in the Federal Register as population, habitat, and harvest information becomes available, and public comment will be solicited. However, because of the late dates when certain of these data become available, it is anticipated that the comment periods on proposals dealing with specific hunting seasons, bag limits and certain other regulations pertaining to migratory shore and upland game birds and waterfowl will necessarily be abbreviated. Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the lack, before late July, of specific, reliable data on this year's status of waterfowl, coots, and gallinules.

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the Federal Register in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemaking—proposals to amend Subpart K (and, when necessary other subparts) of Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, including proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemaking—final migratory game bird hunting regulations and/or final regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemaking—amendments to the various specific sections of Subpart K (and, when necessary, other subparts) of Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Meetings

The Director will also consider additional comments from two advisory committee meetings pertaining to migratory bird hunting regulations which are scheduled during 1976. Both meetings will be open to the public and will be conducted in accordance with the Federal Advisory Committee Act (Pub. L. 92–463). On June 22 the Annual Regulations Conference for Migratory Shore and Upland Game Birds will be held at 9 o'clock in Conference Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for the 1976–77 hunting season.

On August 5 the Director's Waterfowl Advisory Committee will meet at 9 o'clock in Conference Room 2010 of the New Executive Office Building (address above) for the purpose of reviewing recommendations of the United States Fish and Wildlife Service for 1976–77 waterfowl regulations, and will present to the Director their views and comments on these recommendations.

Persons wishing to participate in these meetings should notify the Director (FWS/MBM), United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202–343–8827. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each meeting. To the extent that time permits, the chairman of each meeting will accept brief oral statements from the public at the close of the Committee's agenda. To facilitate inclusion in the record, it is requested that such statements also be submitted in writing before or immediately after each meeting.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to hunt migratory birds, a traditional form of outdoor recreation, by establishing legal hunting seasons.

(2) To limit the harvest of migratory birds to levels compatible with the ability of the resource to maintain itself.

(3) To provide equitable hunting opportunity in various parts of the country within the limits imposed by the abundance, migration and distribution patterns of migratory birds.

(4) To limit the taking of protected species where there is a reasonable possibility of hunter identification error between game and protected species.

(5) To assist, at times and in specific locations, in the prevention of depreda-

tions of agricultural crops by migratory game birds.

The above objectives may be modified as additional pertinent and substantive information becomes available. The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other federal agencies, State conservation agencies, national and regional conservation groups, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

Decisions in establishing hunting regulations for migratory game birds in the United States during the 1976–77 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will be given to accumulated data and trends. The main sources of data result from the operational surveys conducted by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service, with substantial cooperation of State and Provincial wildlife agencies, other federal agencies and national and other conservation groups. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service in cooperation with State wildlife agencies with opportunity for other organizations to participate and provide comments on management rationales and proposed regulations, either in public meetings, by correspondence, or other communications. Comments from the public will be solicited.

Various surveys are used to ascertain th status, condition, and trends of migratory game bird populatio s. These include annual surveys of major wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the contiguous United States, Alaska, and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including its geographical and temporal distribution, and its species, age, and sex composition; and band recovery information. Aerial breeding pair and production surveys also provide information on the abundance, persistence, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State and Provincial agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, harvests and regulations can be useful for predicting approximate harvest levels which may be achieved with various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations in the fall and winter of resting or feeding geese also provide information on the production success of the past breeding season. Special surveys are undertaken for many identifiable populations of geese during the summer, fall, winter, or spring.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The singing-ground survey is conducted throughout the breeding range of the woodcock in the eastern United States and Canada. Insight into production success the past year is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. No comprehensive population surveys of band-tailed pigeons, common (Wilson's) snipe, gallinules, or rails are undertaken in North America; however, harvest information is available from all Canadian hunters, and in the United States, from waterfowl hunters who also hunt these species. From all indications, the harvest levels for these species are comparatively low in relation to population sizes.

Basic Regulations

For the basic regulations, it is proposed that the term "commercial preservation facilities" be replaced with "migratory bird preservation facilities" and extended to include duck clubs, and that the tagging requirement be strengthened so that birds received by or held in custody at these establishments be more readily identifiable as to ownership. Furthermore, it is proposed that the wanton waste regulation be strengthened by prohibiting hunters from discarding birds in the field, and that the emergency suspension or closure of hunting seasons provision be retained to facilitate migratory bird management programs.

Public Comments Solicited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from this proposal would specify open seasons, shooting hours, and bag and possession limit for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and other waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; and sea ducks in coastal waters of certain eastern States.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations for the continental United States and Hawaii for the 1976–77 season will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 25241).

Submittal of Written Comments

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than May 1, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2257, U.S. Department of the Interior, C Street between 18th and 19th, Washington, D.C.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

Dated: February 27, 1976.

George W. Milias,
Acting Director,
U.S. Fish and Wildlife Service.

I. Proposed 1976–77 Migratory Game Bird Hunting Regulations (Partial)

Under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), the Fish and Wildlife Service proposes the following general frameworks and guidelines for hunting certain waterfowl, swans, cranes, mourning doves, white-winged doves, band-tailed pigeons, gallinules, rails, coots, common (Wilson's) snipe and woodcock during the 1976–77 season. Changes or possible changes, when noted, are in comparison to the 1975–76 regulations.

1. *Shooting hours.* Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

2. *Framework dates for ducks and geese.* To be generally the same as during the 1975–76 season. From October 1, 1976, to January 20, 1977, for the Atlantic and Mississippi Flyways, and from October 2, 1976, through January 23, 1977, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 1, 1976, through January 20, 1977.

(b) September teal season framework: September 1 through September 30, 1976, in specified areas to be identified in consultation with the States.

(c) Special scaup season framework: October 1, 1976, through January 31, 1977, in specified areas to be identified in consultation with the States.

(d) Pacific Flyway brant season framework: October 30, 1976, through February 20, 1977.

(e) Alaska waterfowl: September 1, 1976, through January 26, 1977.

3. *Black ducks.* (No change.) Although no change in black duck hunting regulations in the Atlantic and Mississippi Flyways is contemplated at this time, the status of the species is under further review.

4. *Sea ducks.* (No change.) During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species. In addition, an open season for taking scoter, eider, and oldsquaw ducks may be selected within the framework in 2(a) above in designated sea duck hunting areas described in the 1975–76 Regulatory Announcement No. 95, in the following States of the Atlantic Flyway: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia: *Provided*, That such designated areas have been described and delineated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily bag limit in these designated areas is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

5. *September teal season.* (No change.) An open season for taking all species of teal may be designated within the framework in 2(b) by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations. Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days. A bag limit of 4 teal daily and 8 in possession is prescribed.

6. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi and Central Flyways not permitted or not selecting a September teal season may permit the taking of 2 *blue-winged* teal daily and 4 in possession as an addition to the regular duck bag limit for 9 consecutive days during the regular duck season, except that States selecting a point system limit may not take extra teal during the regular season. States selecting this option will identify the season dates when they select regular duck season dates.

7. *Special scaup season.* (No change.) An open season for taking scaup may be selected within the framework in 2(c) for all States in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations. The season may not exceed 16 consecutive days and must not overlap with the regular duck season. In these delineated areas, bag limits are 5 scaup daily and 10 in possession. States must identify special scaup season dates when they select their regular duck seasons.

8. *Extra scaup option.* (No change.) States not selecting a special scaup season may permit the taking of 2 scaup daily and 4 in possession as an addition to the regular duck bag limits during the regular duck season in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations, except States selecting a point system limit may not take extra scaup during the regular season. States selecting this option must do so at the time they select regular duck season dates. Unless otherwise specified, this addition to the regular bag limit may be taken throughout the regular duck season.

9. MERGANSERS. (No change.) States in the Atlantic and Pacific Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The nationwide restriction on hooded mergansers to 1 daily and 2 in possession is continued.

10. *Canvasback/Redhead ducks.* (Possible change.) The Service will consider allowing a daily bag limit of at least one canvasback and one redhead throughout each flyway, subject to the possible retention of certain areas closed to hunting of these two species and population statuses equal to or improved over those of 1975. The need for continuing closures of high harvest areas will be reexamined. An environmental assessment being prepared for the two species will review their statuses and population trends and will include additional information on harvests resulting from recent-year regulations, population data from the January 1976 waterfowl survey, the May breeding population and July production surveys, harvest data from the 1975–76 season, and other pertinent information. This assessment will be available for public review no later than the Director's Waterfowl Advisory Committee meeting on August 5, 1976, prior to the establishment of regulations. Whenever and wherever feasible, regulations for canvasbacks and redheads will be set separately.

11. *Goose and brant seasons—Atlantic Flyway:* (Possible change.) Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the Flyway Council. That is, an open season on Canada geese not to exceed 70 days in Virginia (except Back Bay) and States to the north, with bag limits on Canada geese of 3 daily and 6 in possession, and not to exceed 50 days in States to the south of Virginia and in Back Bay, Virginia, with bag limits on Canada geese of 1 daily and 2 in possession, *except* no open season on geese in Georgia and Florida. The seasons for brant and snow geese (including blue geese) will continue except that consideration will be given to lengthening the snow goose (including blue goose) season from 30 to 50 days. This will depend on evaluation of 1975 season harvest data, and summer population and production information, and the probability of a fall flight equal to or exceeding that of 1975. The daily bag limits for the two species will remain the same as last year, as will the delayed season requirement for brant. The seasons for these two species must be within the regular waterfowl season. Environmental assessments prepared for these species in 1975, and made available to the public, articulate the management rationale being followed for these species.

Mississippi Flyway. (No change.) Seasons and bag limits to be generally the same as last year for Canada geese. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and Flyway Council recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and white-fronted geese to be determined later when more information is available. See 12. *Horicon Zone Canada geese.*

Central Flyway. (No change.) Seasons and bag limits on Canada and white-fronted geese to be generally the same as last year. That is, not to exceed 72 days with a daily bag and possession limit of 2 Canada and white-fronted geese singly or in the aggregate in the eastern tier of States (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas east of U.S. Highway 81), and not to exceed 93 days with bag limits of 2 daily and 4 in possession for Canada and white fronted geese singly or in the aggregate in the remainder of the Flyway. In all States in the Flyway, the bag and possession limit may not include more than 1 Ross' goose. Seasons and bag limits for specific populations of Canada geese, and for snow geese (including blue geese) are deferred pending additional information and Flyway Council recommendations.

Pacific Flyway. (No change.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 93 days with bag limits not to exceed 6 daily and

in possession, including no more than 3 dark geese daily nor more than 3 white geese daily, including not more than 1 Ross' goose daily and in possession. Seasons and bag limits for brant and specific populations of Canada geese are deferred pending additional information and Flyway Council recommendations.

12. *Horicon Zone Canada geese.* (Possible change.) Canada goose regulations generally the same as last year, pending receipt of additional information on population status, except as they may be affected by changes in management practices which are presently under consideration and which are aimed at reducing depredations problems and disease hazards, and improving the flyway distribution of this population of Canada geese. These problems relate to an excessive concentration of Canada geese in the Horicon Zone of Wisconsin. Decisions on specific changes in management practices to be undertaken, including the possibility of increased harvest quotas in the Horicon Zone, are deferred pending further consultation with the Wisconsin Department of Natural Resources, the Illinois Department of Conservation, and the Mississippi Flyway Council.

13. *Waterfowl, coots, lesser sandhill (little brown) cranes, and common (Wilson's) snipe in Alaska.* No changes are proposed now in seasons, limits and shooting hours for these species.

14. *Whistling swans.* (No change.) An open season for taking a limited number of whistling swans in Utah, Nevada and Montana may be selected subject to the following conditions: (a) Hunting by special permit only, authorizing each permittee to take one swan; (b) the swan season to run concurrently with the duck season; (c) no more than 2,500 permits to be issued in Utah, 500 in Nevada (for hunting in Churchill County only), and 500 in Montana (for hunting in Teton County only); (d) serially numbered permits and metal locking seals furnished by the Service to be issued free by the appropriate State game department on an equitable basis.

15. *Lesser sandhill (little brown) cranes.* (No change.) Seasons for hunting lesser sandhill cranes may be selected within specified hunting areas in Colorado, New Mexico/Texas, Texas/Oklahoma, North Dakota, South Dakota, Montana, and Wyoming, as defined in the 1975–76 Regulatory Announcement No. 96, with no substantial change in dates, with a daily bag limit of 3 and a possession limit of 6 lesser sandhill cranes. The provision for the Federal lesser sandhill crane hunting permit is continued.

16. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

17. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select a gallinule season of not more than 70 days from September 1, 1976, through the last day of the 1976–77 regular waterfowl season framework, with a daily bag limit of 15 and a possession limit of 30. Seasons may be split without penalty. They may be selected in July when dove seasons are selected or deferred until waterfowl seasons are selected. If the selection is deferred, shooting hours must conform with those for waterfowl, and the season length will be the same as for waterfowl or 70 days, whichever is the shorter period. A gallinule season selected by any State in the Pacific Flyway must conform to its waterfowl season, and the daily bag and possession limit will be 25 gallinules singly or in the aggregate with coots.

18. *Rails.* (No change.) From September 1, 1976, through the last day of the 1976–77 regular waterfowl season framework, an open season of not more than 70 consecutive days for taking sora and Virginia rails may be selected by States in the Atlantic, Mississippi and Central Flyways. Daily bag and possession limits are 25 birds singly or in the aggregate of these species. In addition, king and clapper rails may be taken during the rail seasons in the following States: (a) Connecticut, Delaware, Maryland, Rhode Island, New Jersey, and New York. Daily bag and possession limits for king and clapper rails in these States will be established in June. (b) In the States of Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag limit may be 15 and the possession limit 30 king and clapper rails, singly or in the aggregate.

19. *Common (Wilson's) snipe.* (Change.) Atlantic, Mississippi, and Central Flyway States, including portions of Montana, Wyoming, Colorado and New Mexico lying west of the Continental Divide, may select an open season within the framework of September 1, 1976, through February 28, 1977, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia, the season must close by January 31, 1977. Florida may select a snipe season of not more than 107 days. In the Pacific Flyway, except in Montana, Wyoming, Colorado, and New Mexico, snipe seasons must run concurrently with regular duck seasons. No change in the snipe season length of 65 days in the Atlantic, Mississippi, and Central Flyways is proposed at this time. However, there is no evidence that the longer seasons allowed the past four years in Florida and the Pacific Flyway have had adverse impacts on populations in those areas. Consequently, consideration will be given to requests for longer snipe seasons in the remainder of the Atlantic Flyway, the Mississippi and Central Flyways, and the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico. Montana, Wyoming, Colorado, and New Mexico may select differing snipe seasons in areas east and west of the Continental Divide. In all States, the daily bag limit is 8 and the possession limit is 16 snipe. States may select a snipe season at the time they select the waterfowl season, and the snipe season may be split without penalty.

20. *Woodcock.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in woodcock regulations.

21. *Band-tailed pigeons.* (No change.) An open season of 30 consecutive days from September 1, 1976, through January 15, 1977, may be selected in Washington, Oregon and in each of two areas in California described as (1) the counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama and Trinity; and (2) the rest of California. In these three States, the daily bag and possession limit is 8 band-tailed pigeons.

The open season for band-tailed pigeons in Arizona, Colorado, New Mexico and Utah is subject to the following conditions: between September 1 and November 30, 1976, each State may select an open season of 30 consecutive days with a daily bag limit of 5 and possession limit of 10 band-tailed pigeons: *Provided,* That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State game department, and such permit will be valid in that State only: *And provided further,* That this season shall be open only in the areas delineated by the respective States in their hunting regulations. *New Mexico* may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and thence south along Interstate Highway 25 to the Texas State line. Between September 1, 1976, and November 30, 1976, in the northern zone, and October 1, 1976, and November 30, 1976, in the southern zone, New Mexico may select open seasons of 20 consecutive days.

22. *Mourning doves.* (Possible change.) Although subject to modification pending receipt of data from ongoing surveys, no substantial changes are proposed now in mourning done regulations. However, consideration will be given to requests for hunting zone boundary changes in Alabama, Georgia, Mississippi, and Louisiana, providing that newly defined boundaries remain unchanged for at least three years.

23. *White-winged doves.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in white-winged dove regulations.

24. *Hawaii mourning doves.* The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of Part 20 of Title 50, Code of Federal Regulations.

25. *Designated areas closed to Canada goose hunting.* The 1975–76 waterfowl hunting regulations prohibited the taking of Aleutian Canada geese through-

out the Pacific Flyway, and three designated areas in California were closed to the hunting of Canada geese. One closure area included the three northern coastal counties, and the others involved closures of two areas in the Central Valley during specified time periods. These closures resulted from the documented taking of Aleutian Canada geese which had been banded on the Alaskan breeding grounds. The Aleutian Canada goose (*Branta canadensis minima*) is designated under provisions of the Endangered Species Act of 1973 as an endangered subspecies. The three closures are designed to provide further protection to the Aleutian Canada goose. The endangered subspecies frequently occurs in the Pacific Flyway among other subspecies of Canada geese whose population levels are high. The designated closed areas will be identified in the Federal regulations governing the 1976–77 waterfowl season in the Pacific Flyway, with the provision that areas and boundaries may be modified pending additional information on the geographical and temporal distribution of the Aleutian Canada goose.

II. PROPOSED BASIC REGULATIONS

1. It is proposed to redefine the term "Commercial Preservation Facilities" and to clarify the tagging requirement for migratory birds in custody at the redefined preservation facilities. At the present time, the regulations recognize only commercial preservation facilities. However, many migratory game birds are routinely processed at hunting clubs as part of the services provided to members or customers. Consequently, it is proposed to extend the federal regulations to these establishments to clarify the legality of these services. Furthermore, it is proposed that the tagging requirements be more fully described so that the birds received or held in custody at migratory bird facilities can be more readily identified by ownership.

The definition for "commercial preservation facility' under § 20.11 currently reads as follows:

"Commercial preservation facility" means any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

It is proposed to amend § 20.11 by deleting the definition of "commercial preservation facility" and inserting in its place the following new definition:

"Migratory bird preservation facility" means:

(i) Any person who, at his residence or place of business and for hire or other consideration; or

((ii) Any cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations;

receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment."

The current record-keeping requirement under § 20.82 reads as follows:

Section 20.82 Records required. No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were recevied; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

It is proposed to amend § 20.82 by adding the following to § 20.82(a), after the words "unless accurate records are maintained":

"* * * which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and * * *"

and to amend § 20.82 by adding a new record-keeping requirement numbered (2), reading as follows, and renumbering the rest:

"(2) the location where taken;"

As a result of these changes, it is also proposed to amend related sections to accommodate the changed terminology by deleting the word "commercial" and replacing it with the words "migratory birds" specifically in §§ 20.35, 20.39, 20.43, 20.63, 20.81, 20.82 and 20.83; in the title of Subpart I; and in the title for Subpart I in the table of sections.

2. It is proposed that § 20.25, *Wanton waste of migratory game birds,* be amended to clearly specify that it shall be illegal for hunters to discard retrieved birds. The regulation currently reads as follows:

Section 20.25 Wanton waste of migratory game birds. No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

The proposed wording reads as follows:

Section 20.25 Wanton waste or migratory game birds. No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

3. It is proposed that the provisions for the emergency closure or suspension of hunting seasons for migratory game birds (40 FR 52852; November 13, 1975) be modified for possible use during the 1976–77 hunting season or later. This provision enables the Service, in consultation with the States, to immediately implement, as required, closures or suspensions of hunting seasons for the protection of endangered or threatened species or other migratory bird populations. The current emergency closure provision under § 20.25 reads as follows:

Section 20.26 Emergency closures. (a) The Director may close or temporarily suspend any season established under Subpart K of these regulations:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species;

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

It is proposed to amend § 20.26 by adding the following to § 20.26(a)(1), after the words "endangered or threatened species": " * * * or other migratory bird populations;"

§ 20.11 [Amended]

Accordingly, in § 20.11 delete the definition of "commercial preservation facility" and insert in its place the following new definition: *Migratory bird preservation facility* means:

(i) Any person who, at his residence or place of business and for hire or other consideration; or

(ii) Any cold-storage facility or locker plant which, for hire or other consideration; or

(iii) Any hunting club which, in the normal course of operations;

receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment."

Subpart I—Migratory Bird Preservation Facilities

In the table of sections change the title of Subpart I to read as set forth above.

In § 20.25 delete the wording of the present regulation and replace it with the following new wording:

§ 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part

without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

In § 20.26 add the following to § 20.26 (a)(1), after the words "endangered or threatened species": "* * * or other migratory bird populations;" As revised § 20.26 reads as follows:

§ 20.26 Emergency closures.

(a) The Diretcor may close or temporarily suspend any season established under Subpart K of this part:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species or other migratory bird populations.

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension, the date and time when the season may be resumed shall be provided by a subsequent local notification to the public.

In § 20.35 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.35 reads as follows:

§ 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

In § 20.39 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.39 reads as follows:

§ 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

In § 20.43 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.43 reads as follows:

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

In § 20.63 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.63 reads as follows:

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a migratory bird preservation facility.

In the title of Subpart I delete the word "commercial" and replace it with the words "migratory bird." As revised the title of Subpart I reads as follows:

Subpart I—Migratory Bird Preservation Facilities

In § 20.81 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.81 reads as follows:

§ 20.81 Tagging requirement.

No migratory bird preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

In § 20.82 delete the word "commercial" and replace it with words "migratory bird." Add the following to § 20.82 (a), after the words "unless accurate records are maintained": "* * * which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and * * *"

Add a new record-keeping requirement numbered (2), reading as follows, and renumbering the rest: "(2) the location where taken;"

As revised § 20.82 reads as follows:

§ 20.82 Records required.

No migratory bird preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained which can identify each bird in the custody of the facility to the name of the person from whom the bird was obtained, and showing (1) the number of each species; (2) the location where taken; (3) the date such birds were received; (4) the name and address of the person from whom such birds were received; (5) the date such birds were disposed of; and (6) the name and address of the person to whom such birds were delivered, or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

In § 20.83 delete the word "commercial" and replace it with the words "migratory bird." As revised § 20.83 reads as follows:

§ 20.83 Inspection of premises.

No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried.

[FR Doc.76-6146 Filed 3-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1140]

[Docket No. AO-376]

MILK IN FRONTIER MARKETING AREA

Termination of Proceeding on Proposed Marketing Agreement and Order

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), a public hearing was convened at the U.S. Courthouse, Old Federal Building (Courtroom 1), 111 South Wolcott Street, Casper, Wyoming, on August 7, 1973, pursuant to notice thereof issued on July 10, 1973 (38 FR 18681) on a proposed marketing agreement and order regulating the handling of milk in the Frontier (Wyoming-Montana) marketing area.

The hearing was originally scheduled to begin at the above-mentioned location on June 26, 1973, pursuant to notice thereof issued on May 11, 1973 (38 FR 12986) but was postponed by a notice issued on June 18, 1973 (38 FR 16363).

The hearing which was convened on August 7, 1973, was recessed on August 10. Prior to the hearing recess, the presiding Administrative Law Judge announced that the hearing would be reconvened at the same place on September 25, 1973, at 9 a.m., local time. During the

recess, one of the proponent cooperatives requested that the rescheduled hearing be further postponed until December 4, 1973. The hearing was then postponed by a notice issued September 20, 1973 (38 FR 26729) until the earliest date feasible for rescheduling. Since the September 20 postponement of the hearing, none of the interested parties has requested that the hearing be reconvened.

In view of the extended time that has elapsed since the hearing was recessed, the record evidence which has been adduced could not be useful without a full reappraisal of such evidence by all interested parties in light of current market conditions. Under the circumstances it is concluded that, if further consideration of the matter is desired at some later time, it most appropriately should be through initiation of a new proceeding.

Accordingly, the proceeding initiated by the notice of hearing issued May 11, 1973 is hereby terminated.

Signed at Washington, D.C., on February 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-6130 Filed 3-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 207]

[Docket No. 76N-0004]

REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Revision of Times for Annual Registration

The Food and Drug Administration (FDA) proposes to amend the drug establishment registration regulations by extending the period during which the annual registration is conducted in order to permit more orderly processing of registration forms by FDA personnel. Interested persons have until May 3, 1976, to submit comments.

Under § 207.21 (21 CFR 207.21) of the drug establishment registration and drug listing regulations, the owner or operator of an establishment engaged in an operation defined in § 207.3(c) (21 CFR 207.3(c)) is required to register annually between November 15 and December 31. Currently, approximately 25,000 such establishments are so registered. The Commissioner of Food and Drugs has found that requiring all such establishments to register during a 6-week period creates a severely unbalanced workload within the agency and places a great burden on FDA resources devoted to processing these forms. Therefore, the Commissioner proposes to amend § 207.21 to reschedule the registration by conducting it in seven roughly equal segments, one segment during each of seven consecutive months. The registration forms would be mailed to all affected establishments within an FDA region or regions during one of the first 7 months of each calendar year, according to a pre-established schedule. Establishments would be required to return the completed forms within 15 days of receipt. The Commissioner is of the opinion that this procedure will permit more efficient assignment of FDA resources to the registration process.

The Commissioner also proposes that this regulation be effective for the 1977 calendar year registration and that the registration forms be mailed to establishments during the first 7 months of that year. Since the 1976 registration has taken place, under the present § 207.21, between November 15 and December 31, 1975, no registration forms will be required to be submitted in calendar year 1976.

This proposal is not applicable to owners and operators of blood and blood product establishments who do not manufacture or process other drug products at the same establishment. Owners and operators of such establishments must register pursuant to Part 607 of this chapter.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation, as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704, Pub. L. 717, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055, 1057 as amended (21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374); sec. 351, Pub. L. 410, 58 Stat. 702 as amended (42 U.S.C. 262); the Drug Listing Act of 1972, Pub. L. 92-387; 86 Stat. 559-562 (21 U.S.C. 360 note)) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to revise § 207.21 in Part 207 to read as follows:

§ 207.21 Times for registration and drug listing.

(a) The owner or operator of an establishment entering into an operation defined in § 207.3(c) shall register such establishment within 5 days after the beginning of such operation and submit a list of every drug in commercial distribution at that time. If the owner or operator of the establishment defined in § 207.3(c) has not previously entered into such operation, registration shall follow within 5 days after the submission of a new drug application, new animal drug application, Form FD-1800, antibiotic Form 5 or 6, or an establishment license application in order to manufacture biological products. Owners or operators of all establishments so engaged shall register annually within 15 days of receipt of registration forms from the Food and Drug Administration. Registration forms shall be mailed to registered establishments by the Food and Drug Administration in each calendar year, according to the following schedule:

(1) January—To establishments within Region II (New York State, New Jersey, and Puerto Rico) and Region IX (California, Arizona, Nevada, and Hawaii).

(2) February—To establishments within Region III (West Virginia, Virginia, Maryland, Delaware, Pennsylvania, and Washington, DC), Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah and Colorado), and Region X (Washington, Oregon, Idaho, and Alaska).

(3) March—To establishments within Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island), and Region VI (Texas, New Mexico, Oklahoma, Arkansas, and Louisana).

(4) April—To establishments within Region IV (Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida).

(5) May—To establishments within Region VII (Nebraska, Iowa, Kansas, and Missouri).

(6) June—To establishments within three of the states in Region V (Minnesota, Wisconsin, and Illinois).

(7) July—To establishments within the remaining three states in Region V (Michigan, Indiana, and Ohio).

(b) Owners and operators of all establishments so registered shall update their drug listing information every June and December.

Interested persons may, on or before May 3, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6016 Filed 3-2-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI 897]

BOROUGH OF EDDYSTONE, DELAWARE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973

(Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Eddystone, Delaware County, Pennsylvania.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Borough Secretary's office, Borough Hall, Eddystone.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Borough Secretary, John Snyder, 12 Savelle Avenue, Eddystone, Pennsylvania 19013. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (June 1, 1976) whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ridley Creek	4th Street Bridge	10	850	(1)
	Penn Central R.R. bridge	10	30	(1)
	9th Street Bridge	11	40	(1)
	12th St. (extended)	12	140	(1)
	North corporate limit	13	200	(1)
Crum Creek	Pennsylvania Route 291	10	(1)	210
	Boeing County bridge (culvert)	12	(1)	80
	United Engineers & Constructors Co. bridge.	14	(1)	60
	Penn Central R.R. bridge	15	(1)	80
	Dam No. 1	18	(1)	260
	North corporate limit	19	(1)	380
Delaware River	Eddystone Ave. (extended)	10	(1)	1,250
	3,000 feet from southwest corporate limits.	10	(1)	1,280
	1,250 feet from west corporate limits	10	(1)	750

[1] Corporate limits.

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

Issued: February 18, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–6025 Filed 3–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–901]

BOROUGH OF GARWOOD, NEW JERSEY

Proposed Flood Elevation Determinations

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at Borough Hall, Center Street, Garwood, New Jersey 07027.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles J. Horbacy, Borough Hall, Center Street, Garwood, New Jersey 07027. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (June 1, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Garwood Brook	Maple St	92	50	550
	West St	87	270	550
	Center St	85	530	170
	East	80	810	270
	Oak	78	440	470
	Willow	78	280	(1)
	South	77	(1)	770
Unnamed stream (10-26).	Oak	83	310	(1)

[1] Extends to corporate limits.

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

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-6024 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-899]

CITY OF COOK, MINNESOTA

Proposed Flood Elevation Determinations

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Cook, Minnesota 55723.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marvin Chase, City Hall, Cook, Minnesota 55723. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (June 1, 1976) whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Fork River	Range St	1,308	250	60
	River St	1,308	200	80
	Duluth, Winnipeg, and Pacific R R	1,308	40	20
	Minnesota Highway 1	1,309	330	130

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), eff. Jan. 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Sec. del. of auth. to Fed. Ins. Admin. 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-6023 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 898]

CITY OF NEWPORT NEWS, INDEPENDENT CITY, VIRGINIA

Proposed Flood Elevation Determinations

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information

showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Manager's office, 2400 Washington Avenue, Newport News. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. W. E. Lawson, Jr., City Manager, 2400 Washington Avenue, Newport News, Virginia 23607. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (June 1, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Stony Run	North corporate limits	51.0	80	80
	Woodside Lane	39.0	170	240
	Shields Rd	36.0	130	40
	Richneck Rd	32.0	100	190
	Jefferson Ave	31.0	100	90
	McMorrow Dr	28.0	100	150
	Interstate 64	23.0	300	500
	Warwick Blvd	14.0	180	420
	Beachmont Dr	8.5	250	310
Newmarket Creek	Dresden Dr	19.0		40
	Main St	18.0		660
	Todds Lane	17.0		500
	79th St	12.0	2,210	60
	Roanoke Ave	9.0	290	220
Government ditch	Jefferson Ave	14.0	5	5
	Warwick Blvd	11.0	5	5

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
James River	East Governor Dr	8.5	250
	Barclay Rd	8.5	150
	Mercury Blvd	8.5	930
	Ivy Ave	8.5	210

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

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–6026 Filed 3–2–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI896]

TOWNSHIP OF CASTENEA, CLINTON COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Hall, Municipal Building, Nittany Road, Castenea.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John F. Harvey, 109 Grape Street, Castenea, Pennsylvania 17726. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Eastern corporate limit	563.0	(1)	(2)
	L.R. 18042	563.5	(1)	(4)
	U.S. 220	564.0	(1)	(5)
Bald Eagle Creek	Eastern corporate limit	563.0	(3)	140
	Penn Central RR	563.0	(3)	90
	Appalachian Thruway	563.0	(3)	80
	Castenea Bridge	563.0	700	60
	Appalachian Thruway	563.0	120	440
	Penn Central RR	564.5	20	(6)

[1] Outside corporate limit.
[2] Overlaps with West Branch Susquehanna.
[3] Overlaps with Bold Eagle Creek.
[4] 60 ft to corporate limit.
[5] 40 ft to corporate limit.
[6] Outside corporate limit.

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

Issued: February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6121 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 895]

BOROUGH OF BELLEFONTE, CENTRE COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determination

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, Borough Office, Borough Hall, Bellefonte.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Walter B. Peterson, Borough Manager, 236 West Land Street, Bellefonte, Pennsylvania 16823. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Spring Creek	At northern corporate limits	730	135	55
	North of Lamb St	736	100	80
	North of High St	742	365	0
Logan Branch	North of Spring St	749	20	220
	South of Spring St	(1)	0	150
Spring Creek	At southwest corporate limits	751	200	60

[1] Approximate study.

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

Issued February 17, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6120 Filed 3-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-905]

CITY OF FERNANDINA BEACH, FLORIDA

Proposed Flood Elevation Determinations

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

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Fernandina Beach, Florida 32034.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Grady Courtney, City Manager, PO Box 668, Fernandina Beach, Florida 32034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before June 1, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Atlantic Ocean via Amelia River.	Dade St	11	290	(1)
	Broome St	11	470	(1)
	Alalhua Ave	11	660	(1)
	Atlantic Ave	11	790	(1)
	Fir St	11	2,600	(1)
	Pennstock Rd	10	7,400	(1)
Atlantic Ocean via Egans Creek.	Atlantic Ave	9	1,250	170
	Indigo Ave	8	2,350	250
	Jasmine St	8	1,425	1,700
	Highway 108	6	450	100

[1] Flooding occurs outside corporate limits.

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

Issued: February 17, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-6119 Filed 3-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[14 CFR Part 103]

[46 CFR Parts 64 and 146]

[49 CFR Parts 171—179]

[Docket No. HM-134; Notice No. 76-2]

HAZARDOUS MATERIALS REGULATIONS

Notice of Proposed Rule Making

The Materials Transportation Bureau of the Department of Transportation proposes to amend certain of the hazardous materials regulations for which it has responsibility to expressly reflect a reissuance of those regulations under the authority of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633). To accomplish that purpose the Bureau proposes to revise the authority citations and, where necessary, the applicability of the hazardous materials regulations in 14 CFR Part 103, 46 CFR Parts 64 and 146, and 49 CFR Parts 171-179.

On January 3, 1975, the Hazardous Materials Transportation Act (HMTA) was signed into law. It was the declared policy of Congress in enacting the HMTA ". . . to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce."

Some of the provisions of the HMTA that more clearly reflect the declared policy accomplish the following:

1. Broaden the definition of commerce to include transportation which affects interstate transportation;

2. Provide for a broader application of hazardous materials regulations in certain geographical locations;

3. Provide for Federal pre-emption of inconsistent state and local regulations and law;

4. Extend the Secretary's authority to impose civil penalties to violations committed in the rail and highway modes;

5. Remove statutory restrictions on the Secretary's authority to centralize Department of Transportation regulatory activities relating to the safe transportation of hazardous materials by the various modes; and

6. Extend the Secretary's regulatory authority to cover the manufacturers of packages and containers to be used in the transportation of hazardous materials.

Congress recognized that prior to January 3, 1975, much had already been done with respect to providing for the safe transportation of hazardous mateials but was convinced of the necessity to bring those previous actions into conformity with the purposes and provisions of the HMTA. Section 114(b)(2) of the HMTA reads in part, "The Secretary shall take all steps necessary to bring orders, determinations, rules, and regulations into conformity with the purposes and provisions of this title as soon as practicable . . ."

This proposal to revise the citations of authority and, where necessary, the applicability of certain hazardous materials regulations in Titles 14, 46, and 49 of the Code of Federal Regulations, to expressly reflect a reissuance of those regulations under the authority of the HMTA is one step in meeting that Congressional mandate.

Although the Bureau considers reissuance of the hazardous materials regulations under the authority of the HMTA to be mandatory and therefore leaving the Bureau without discretion in the matter, the Bureau wants the affected public to be aware of the pending reissuance and desires that interested persons submit written views and comments with respect to matters which they regard as being affected by that reissuance.

Comments by interested persons should refer to the docket number and be submitted in duplicate to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on April 1, 1976, will be considered, and will be available for examination in Room 6213 Trans Point Building, 2100 Second Street, SW., Washington, D.C. both before and after the closing date. Comments received after the closing date and too late for consideration will be treated as suggestions for future rule making.

(49 U.S.C. 1801-1811; 49 CFR 1.53(e)).

Issued in Washington, D.C. on February 27, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-6128 Filed 3-2-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[1 CFR Part 304]

PUBLIC AVAILABILITY OF DOCUMENTS AND RECORDS

Proposed Revision of Regulations

On November 24, 1975, a document was published in the FEDERAL REGISTER (40 FR 54419) adopting Subpart B—Privacy Act Implementation, §§ 304.20-304.25. Notice is hereby given that the

Administrative Conference of the United States is considering amending Subpart B of Part 304 of Chapter III of Title I of the Code of Federal Regulations.

The amendments to Subpart B, as set forth below, are occasioned by the comments and suggestions offered by the Presidential Ad Hoc-Interagency Task Force on Privacy Act Implementation review of the Conference rules. These amendments are intended to implement further the provisions of the Privacy Act of 1974.

An explanation of the proposed substantive amendments by subsection are:

(1) In § 304.20: Where to address requests for assistance in complying with the regulations;

(2) In § 304.22(c): The minimum requirements for identification;

(3) In § 304.23(b): Provision for notification of prior recipients of the record of an amendment;

(4) In § 304.23(c): provision requiring the Conference (when an individual's appeal to a refusal of a request to amend is denied) to inform the individual of the right to file a concise statement of disagreement, and the elimination of a time limitation for appeal of a denial to a requested amendment;

(5) In § 304.24: Conference requirements for accounting of disclosures.

No revision is necessary for the table of sections for Subpart B—Privacy Act Implementation.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to the Executive Secretary, Administrative Conference of the United States, 2120 L Street, N.W. Suite 500, Washington, D.C. 20037, on or before April 2, 1976.

In considering of the foregoing, it is proposed to amend Subpart B of Part 304 of Chapter III of Title 1 of the Code on Federal Regulations as follows:

1. By adding to § 304.20 the following:

§ 304.20 Purpose and scope.

* * * * *

(a) Requests for assistance in interpreting or complying with these regulations should be addressed to the Executive Secretary, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

2. By revising § 304.22(c) to read as follows:

§ 304.22 Procedures for requests pertaining to individual records in a system of records.

* * * * *

(c) In cases where an individual has been granted access to his records, the Executive Secretary may, prior to relating such records, require the submission of a signed notarized statement verifying the identity of the individual to assure that such records are disclosed to the proper person. No verification of identity will be required when such records are available under the Freedom of Information Act, 5 U.S.C. 552, as amended.

3. By adding to § 304.23(b) the following, and revising (c).

§ 304.23 Request for amendment or correction of a record.

(b) * * *

If the request is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

(c) If the request is denied, the individual shall be informed of the reasons therefor and his right to appeal the denial in writing to the Chairman of the Conference. The Chairman shall render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual shall be notified promptly of the Chairman's decision and, if the appeal is denied, the reasons therefor and the individual's right to seek judicial review and his right to file a concise statement of disagreement, which statement shall be noted in the records to which it pertains and supplied to all prior and subsequent recipients of the disputed record. If an appeal is granted, the record as amended shall be called to the attention of all prior recipients of the individual's record.

5. By adding to § 304.24 the following:

§ 304.24 Disclosure of a record to a person other than the individual to whom it pertains.

(a) An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person or agency to whom the disclosure was made will be maintained. This accounting will be made available to the individual to whom the record pertains upon the submission of a written, notarized request to the Executive Secretary.

Dated: February 25, 1976.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.76-6045 Filed 3-2-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 371 and 389]

[EDR-42, SPDR-42, ODR-12; Docket No. 28852]

ECONOMIC SPECIAL AND ORGANIZATION REGULATIONS

Charter Flights

Correction

In FR Doc. 76-4348 appearing at page 7417 in the issue of Wednesday, February 18, 1976, the following changes should be made:

1. The 6½ bracket should read as set forth above.

2. In the Table of Contents for Part 371 appearing on page 7421, column one, the entry for 371.22 should read "371.22 Effect of exemption on antitrust laws".

3. In the first column on page 7422, the last line of § 271.5(d) should read "limitations or restrictions, *pendente lite.*"

4. In the first column on page 7423, in the second line of § 371.23, the word "operator" should read "operators".

5. In the third column on page 7425, the last line of § 271.50(b) should be deleted and the following should be inserted in lieu of: "that are later canceled".

6. In the first column on page 7426, in Appendix B, in the third line of the second paragraph beginning with the word "WHEREAS", the word "operating", should read "operator".

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 32]

REGULATION OF COMMODITY OPTION TRANSACTIONS REGISTRATION; FRAUD

Notice of Proposed Rulemaking; Correction

In FR Doc. 76-4730 appearing at page 7774 in the FEDERAL REGISTER of Friday, February 20, 1976, the following correction should be made.

On page 7778, first column, twenty-third line, the date "July 30, 1976," should be corrected to read "June 30, 1976."

Issued in Washington, D.C. on February 26, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6007 Filed 3-2-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20719; FCC 76-138]

UHF TELEVISION TUNING

Improvement Requirements

In the matter of amendment of Part 15 rules and regulations, Docket No. 20719.

1. Over the last several years, the Commission has taken a number of steps to encourage and require improvements in UHF television tuning. The requirements have been phased in gradually and permit a variety of tuning ssytems. By far the most prevalent system now being installed in receivers, however, is the 70 position non-memory UHF detent tuner, which provides a separate detent (click in place) position for each of the 70 UHF channels (14-83). With minor exceptions, all receivers manufactured after July 1, 1975 which use such a system provide detented (without fine tuning) accuracy on all channels within ±2 MHz of correct frequency. See § 15.68(d)(3). The final objective for tuning accuracy of a receiver using a 70-position UHF detent tuner is stated as follows in § 215.68(d)(4), which reads as follows:

(4) On or after July 1, 1977, a 70-position non-memory UHF detent tuning system may be used to meet the requirements of this section, providing either of the following two conditions is met:

(i) *For any television receiver (monochrome) or color).* The need for routine fine tuning of UHF channels is eliminated.

NOTE.—This requirement will be considered met in each of the following circumstances:

The receiver is provided with AFC and a channel selection mechanism that is capable of positioning the tuner to receive each UHF channel at its designated detent position with a maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz, when approached from either direction of rotation.

The receiver is provided with AFC and a channel selection mechanism that is capable of positioning the tuner to receive each UHF channel at its designated detent position within the pull in range of the AFC, when approached from either direction of rotation.

The receiver is provided with any other tuning system that produces and maintains detented tuning accuracy of the same order as the above specified systems.

(ii) *For monochrome receivers only.* The UHF channel selection mechanism is capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz when approached from either direction of rotation.

The target date for compliance with this requirement was recently extended one year to July 1, 1977 because tuners meeting the requirement would not be available in sufficient quantity by July 1, 1976. (FCC 75–1247, 40 F.R. 53591, November 19, 1975).

2. In the order extending the target date, the Commission considered problems encountered by tuner manufacturers in developing and mass-producing equipment meeting the ±1 MHz standard and agreed, as follows, to consider the possibility of retaining the ±2 MHz standard on channels 70–83:

In addition, we will in the near future consider permanent retention of the ±2 MHz tuning accuracy standard for channels 70–83. These channels are utilized by TV translators on a secondary basis. Alignment of the tuner is more difficult at higher frequencies, and easing the accuracy standard for these channels would materially aid the tuner manufacturer in his efforts to meet the ±1 MHz standard on channels 14–69.

The purpose of this notice is to elicit informed comment on the need for and effect of this change in our requirements.

3. We are, in particular, interested in receiving comment on the following matters:

(a) The capacity of tuner manufacturers to mass produce 70 position tuners accurate to ±1 MHz on all channels, included channels 70–83, and the date by which that goal might be accomplished. (Would it be feasible, for example, to defer the effective date of the ±1 MHz requirement for channels 70–83 rather than to retain the ±2 MHz requirement permanently for those channels?)

(b) Measurement data showing the actual performance with respect to accuracy of tuning (without use of the fine tuning control) of TV receivers using 70-position UHF tuners having a ±2 MHz tuning accuracy.

(c) Subjective reaction to the performance of a TV receiver incorporating a 70-position UHF tuner having a tuning accuracy of ±2 MHz, particularly in the case of color TV receivers equipped with AFC.

(Note that the July 1, 1975 effective date for the ±2 MHz requirement relates to the date of manufacture and that many receivers available at retail outlets will have been manufatcured at an earlier date and may not meet this requirement.)

(d) The extent to which television translator stations operating on Channels 70–83 on a secondary basis are considering operating on a primary basis on lower frequencies.

4. The proposed amendment is set forth below. Authority for the amendment is contained in sections 4(i), 303 (r) and (s) and 330 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 (r) and (s) and 330.

5. Pursuant to procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on the proposed rule on or before April 2, 1976 and reply comments will be available for inspection at the Commission's Dockets Reference Room at its headquarters in Washington, D.C. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice. An original and 11 copies of all comments, reply comments and other material shall be furnished the Commission.

Adopted: February 18, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary,

It is proposed that subdivisions (i) and (ii) of § 15.68 (d) (4) be revised to read as follows:

§ 15.68 All-Channel television broadcast reception: receivers manufactured on or after July 1, 1971.

* * * * *

(d) * * *

(4) On or after July 1, 1977, a 70-position non-memory UHF detent tuning system may be used to meet the requirements of this section, providing either of the following two conditions is met:

(i) *For any television receiver (monochrome or color).* The need for routine fine tuning of channels 14–69 is eliminated and the deviation from correct frequency on channels 70–83 does not exceed ±2 MHz.

NOTE.—This requirement will be considered met in each of the following circumstances:

The receiver is provided with AFC and a channel selection mechanism capable of positioning channels 14–69 within the pull in range of AFC circuitry and of positioning UHF channels 70–83 within ±2 MHz of correct frequency, when approached from either direction of rotation.

The receiver is provided with any other tuning system that produces and maintains detented tuning accuracy of the same order as the above specified system.

(ii) *For monochrome receivers only.* The UHF channel selection mechanism is capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ±1 MHz for channels 14–69 or ±2 MHz for channels 70–83, when approached from either direction of rotation.

[FR Doc.76–6084 Filed 3–2–76;8:45 am]

[1] Commissioner Quello absent.

[47 CFR Part 73]

[Docket No. 20726; RM–2628]

FM BROADCAST STATIONS IN MARIPOSA, CALIFORNIA

Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations. (Mariposa, California), Docket No. 20726, RM–2628.

1. *Petitioner, proposal and comments*—(a) *Notice of proposed rulemaking* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Mariposa, California.

(b) A petition for rulemaking was received on November 18, 1975, by Mariposa Broadcasting, Inc., proposing that Channel 242 be substituted for Channel 284 at Mariposa. Petitioner states that it previously filed an application (BPH–9552) for Channel 284, which was dismissed on September 29, 1975, because the proposed transmitter site was short-spaced to that of Station KSRN(FM), Channel 283, Reno, Nevada. Petitioner submitted an engineering study which indicates that there is no potential transmitter site which can both meet the minimum mileage separation requirements and the principal community coverage requirements of the Commission's rules (§§ 73.207 and 73.315).

(c) The channel may be assigned without affecting any existing FM assignments. The transmitter must be located at a site not more than 8 miles northwest of Mariposa to meet the mileage separation requirements.

2. *Demographic Data*—(a) *Location.* Mariposa, the seat of Mariposa County, is located approximately 35 miles east, northeast of Merced, California, on a highway entrance to Yosemite National Park.

(b) *Population.* According to the 1970 U.S. Census, Mariposa had a population of 900 and Mariposa County 6,015. A 1975 census completed by the County estimates the present County population to be 8,441.

(c) *Local Broadcast Service.* There are no broadcast stations located within Mariposa County.

(d) *Economic.* Tourism is the primary source of income because of Mariposa's proximity to Yosemite National Park.

3. *Additional considerations*—(a) By *Report and order* in Docket No. 18476, adopted July 29, 1969, 18 F.C.C. 2d 663, 664–665, the Commission assigned Channel 284 to Mariposa, stating:

> As we stated in the notice, ordinarily a small community the size of Mariposa is only considered for a Class A channel assignment. However, because of the relatively isolated location of the community in a sparsely populated mountainous area, the planned facilities to be applied for and the first FM service that would be provided thereby, we are of the opinion that the assignment of a first Class B channel in lieu of a Class A is warranted in this case, and would, therefore, serve the public interest.

Petitioner has pointed out that Mariposa and its environs continue to experience a serious communications problem because of the lack of any broadcast outlet in the County to communicate snow, fog and forest fire warnings, school closings, and news of other local activities. Issuance of a notice would also appear appropriate in view of the fact that the petitioner has expended considerable effort to apply for the present unusable channel and is willing to reapply immediately if its proposal is adopted. Substitution of Channel 242 for Channel 284 would simply implement our earlier decision that assignment of a Class B channel to Mariposa was in the public interest.

4. *Preclusion considerations.* Preclusion will occur on Channels 240A, 241, 242, 243 and 244A. However, an abundance of Class A channels remain available for assignment in the precluded areas. Also, there is at least one Class B or Class C channel (depending on the zone) available to each community in the preclusion areas of Channels 241, 242 or 243.

5. *Proposed amendment to the FM table of assignments.* The Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, with regard to the community of Mariposa, California, as follows:

City	Channel No.	
	Present	Proposed
Mariposa, Calif.	284	242

6. *Authority.* The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. *Comments and replies.* Interested parties may file comments on or before April 8, 1976, and reply comments on or before April 28, 1976.

Adopted: February 23, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6085 Filed 3-2-76;8:45 am]

[Docket No. 20721; RM-2432; FCC 76-157]

[47 CFR Part 73]

COMPREHENSIVE REVIEW OF NETWORK RADIO REGULATION

Inquiry and Proposed Rule Making

In the matter of review of Commission rules and regulatory policies concerning network broadcasting by standard (AM) and FM broadcast stations, Petitions of Mutual Broadcasting System, Inc. for rules applicable to audio services furnished by newswire services, Docket No. 20721, RM-2432.

1. This proceeding, a comprehensive review of network radio regulation, has a number of aspects and objectives, as follows:

(a) to review all of the radio network rules and policies—8 substantive rules (§§ 73.131–73.138 for AM, 73.231–73.238 for FM), one policy (the "small market policy" applicable to ABC and other multiple network operations) and the rule requiring the filing of network agreements (§ 1.613(a))—to determine which of them are needed in their present form, which should be revised and which, if any, deleted entirely. This review is appropriate both because of the passage of more than a generation since the adoption of these rules and because of the tremendous changes in the circumstances of radio, and "network radio" in particular, during that time.[1]

(b) to formulate an appropriate definition, or more likely a series of definitions, for the term "network" as used in the Commission's rules and policies; and consideration of what kinds of "network" entities (if any) should be entirely outside the scope of our regulation, and what differences, if any, there should be in the rules applying to various types of entities remaining within the scope thereof. This includes the question of applying network rules to the Associated Press and United Press International audio services. See paragraphs 10–17 below, and the appendix.

(c) to formulate more appropriate rules, if it is concluded that regulations are needed, with respect to use of material from a single network company by more than one station in a given market or area, including considerable liberalization or possibly repeal of the "dual network" or "simultaneity" rule (§ 73.137) and codification of an appropriate restriction (if restriction is needed) of the same type as the present "small market policy" but including FM as well as AM stations. See pars. 21 et seq., below.

(d) Exploration into the non-availability of network programs in some cases, to determine whether a tightening of the "territorial exclusivity" rules and similar

[1] The 8 rules are virtually identical in AM and FM, and also virtually identical with the network rules adopted in May 1941, as modified in the Supplemental Chain Broadcasting Report of October 1941. Hereafter, only the AM section number is given, but, unless indicated, the discussion pertains to the FM rule as well.

concepts is needed. See pars. 19–20, below.

(e) to determine whether there are situations detrimental to the public interest in any other aspect of network-station relations.

2. *"Networks" included in this proceeding.* The term "network" is not defined in our Rules with any real specificity, and is often used in the industry in senses going well beyond anything contemplated in our regulations (e.g., sale by a national representative of commercial positions on a group of stations jointly). This proceeding is designed to make the term more specific, as to what types of entities are or are not included within it as far as our regulations are concerned, and, at the same time, to arrive at any differences which may be appropriate in the regulations governing various kinds of entities. Initially, the proceeding is concerned chiefly with entities operating via wire or radio interconnection and especially those networks providing material to stations at least 5 days a week. These include the national networks (those of ABC, CBS, Mutual, National Black Network and NBC) which involve network advertising and are here refered to as "conventional" networks; the AP Radio and UPI Audio services furnished to stations for a fee; and state and regional networks such as Texas State Network and Intermountain Network. Other types of interconnected networks within the proceeding are "occasional" networks put together for one or a few programs, and seasonal state or regional sports networks. Comments are invited on the application of appropriate rules to non-interconnected entities (e.g., Keystone Boardcasting System); but no new nor more specific rules applying to such entities will be adopted without further proceedings.

A. The 8 Substantive Rules and One Policy [2]

3. Viewed analytically the 8 substantive rules adopted in 1941, and one policy dating from 1969, may be summarized as follows:

(a) *Five rules designed to limit network dominance over individual stations.* (1) Section 73.131, barring arrangements between stations and networks which prevent or hinder the station from carrying programs from another network.

(2) Section 73.133, limiting affiliation agreements to 2 years (or 2 years 6 months from the date of the contract).

(3) Section 73.134, limiting permissible "time optioning" by stations to networks, to no more than 3 hours in each of four segments of the day, on no less than 56 days' notice.

(4) Section 73.135, providing that stations in their understandings with networks must retain the right to refuse network programs they regard as unsatisfactory, unsuitable, or contrary to the public interest, and to substitute for a network program another program of outstanding local or national importance.

(5) Section 73.138, barring any understanding giving the network any control over the station's rates for non-network time.

(b) *Network ownership of stations.* Section 73.136, barring network ownership of two stations serving substantially the same area, or of one station where stations are so few or so unequal in desirability that competition would be restrained.

(c) *Territorial exclusivity.* Section 73.132 barring understandings between a network and a station which present or hinder other stations in the same area from taking the network's programs not carried by this station, or other stations serving a substantially different area from taking any of the network's programs. Stations are permitted to have first call on the network's programs within their primary service areas.

(d) *Regulations limiting use of material from one network company.* (1) Section 73.137, barring stations from affiliating with any network organization having more than one network; but the rule does not apply if the networks do not operate simultaneously or if they serve basically different territory.

(2) The "small market policy", adopted in 1969 with respect to ABC's operation of three AM and one FM networks (but applying only to AM stations), to the effect that ABC may be affiliated with no more than one AM station in a market with four or fewer AM stations, and no more than two in a 5-station market. "Market" is an individual community if it is outside a standard metropolitan statistical area (SMSA) or the entire SMSA where the station's community is within one. See "Mutual Broadcasting System, Inc.", 17 FCC 2d 509 (1969); this was later extended to dual network operations of Mutual in 1972 (34 FCC 2d 823) and Texas State Network in 1975 (54 FCC 2d 657) though later modified as to the latter in January 1976 (see FCC 76–51).

B. The Changed Present Circumstances of Network Radio

4. In the last 35 years there have been tremendous changes in broadcasting, and as to network radio in particular. National networks occupy much less of a place economically in radio today than in 1941; 1974 national network revenues of $40.4 million were actually smaller in dollar amount than those of 1938, and were less than 3 percent of total radio revenues compared to about 46 percent in 1938 (and compared to about 46 percent in television in 1974). Combined national network operations showed a loss in 1974 of $6.2 million, roughly twice the previous year's loss, compared to a 1938 network profit of about $4.3 million and a 1974 TV network profit of over $225 million. Another change, of considerable importance in the present consideration, is the vastly increased number of AM and FM stations, from a total of less than 1,000 in 1941 to some 7,200 at the end of November 1975 (4,459 AM, 2,752 FM) plus 799 educational FM stations.[3] The number of national network services has also increased considerably, from three companies and four networks in 1941 to five companies and 10 conventional commercial networks in 1975 (ABC, CBS, Mutual, National Black Network and NBC, ABC having four networks and Mutual and NBC two each). The two newswire audio services are also available to provide broadcast fare which is in many respects quite similar.

5. Another very important change has been in the nature of the program service rendered by the national networks. In 1938 and 1941, much of the material was the same kind of programming as that now constituting the bulk of network television—entertainment programs of a half-hour or longer. Today, in general the bulk of national networks' material is news, or other informational material, generally in programs of about five minutes (including commercial time) or sometimes less. This also makes up the bulk of AP Radio and UPI Audio material. Of the 8 conventional national networks other than National Black Network (about which we have little information) and NBC's new NIS service, all have some "commentary" or "public affairs" material, including, for most of them, programs running from 15 minutes to half an hour (e.g., Face the Nation, Issues and Answers and Meet the Press, carried on the radio network commonly owned with the TV network carrying the program, and Mutual's Northwestern Reviewing Stand).[4] The networks also have other information material and features—sports and business news, women's programs, religious programs up to a half-hour in length (particularly NBC with 9) etc. In terms of time per week, a Mutual affiliate taking all of the material listed in the MBS schedule as of August 1975 would devote roughly 47 hours a week to this material.

---

[2] For the background of the 8 rules, see Report on Chain Broadcasting, FCC Order No. 37, Docket 5060, May 1941.

[3] The percentage of stations affiliated with national networks has diminished, although by a lesser amount than some of the other changes, in 1938, 350 of 660 AM stations covered in the Report were affiliates of NBC, CBS or Mutual, or 53 percent. Today, some 2,800 stations are affiliated with one of the national companies, or 38.9 percent. If there are included a large number of FM stations commonly owned with affiliated AM stations and likely carrying the networks' material even though without a separate agreement (perhaps as many as 500), the percentage could be around 46 percent. There are probably, as a rough estimate, 900 additional commercial AM or FM stations which carry UPI Audio or AP Radio material. The 1941 report emphasized NBC and CBS control of 50 kw clear channel stations, ownership of 14 and affiliation with 36 for a total of 50 of 52 such facilities. Today, CBS and NBC together own 8 and are affiliated with 21 others which have no other national network affiliation, a total of 29; ABC owns 3 and has 8 affiliates; Mutual owns none and has only one affiliated with it and no other network. Two stations are affiliated with 2 national networks, and 14 have no national conventional network affiliation.

[4] ABC Information, CBS and regular NBC network commentators include some of those on the corresponding TV network (e.g., Reasoner, Cronkite, Chancellor). Mutual has an 8-minute daily mystery program.

assuming a fulltime station operating from 5 a.m. to 1 a.m.; however, probably few or no affiliates actually approach this, and some agreements examined show about 13½ hours of commercial material (likely plus some sustaining programs). Other networks involve less potential time—20 to 24 hours a week for fulltime affiliates using all of the material from CBS, NBC or the ABC Information network, and somewhat less for the other ABC networks and Mutual Black network.

6. Other recent programming developments should be noted. Since early 1974 CBS has presented a daily 53-minute dramatic show every evening (11:07–12 midnight E.T.), sold separately from the regular CBS network but usually taken by CBS affiliates (in some 18 cases another station in a market with a CBS affiliate carried the program as of mid-1974). Mutual began in November 1975 an all-night talk show, the Herb Jepko show, offered first to MBS affiliates and then to other stations, running some 30 hours a week. In June 1975 NBC began its News and Information Service network (NIS), which presents 50 minutes of material (including commercial positions) 164 hours a week; this consists of about 60 percent hard news (regional, national, international and sports) and the rest some 339 weekly features of an informational character, said to include material dealing with "entertainment, coping, human interest and listener involvement." As of January 1976 some 57 AM and FM stations subscribe to this service. Some of the networks, perhaps particularly Mutual and NBC, present, and to some extent offer separately, live coverage of sports events, such as the World Series on NBC and Notre Dame and some NFL football games on Mutual.

C. Possible Changes in the Five Rules Designed To Limit Network Control Over Individual Stations[5]

7. Comments are invited concerning the five rules mentioned in paragraph 3 (a), above—barring agreements exclusive as against other networks and network control over station rates for nonnetwork time (§§ 73.131 and 73.138), limiting affiliation agreements to two years and limiting option time (§§ 73.133 and 73.134) and requiring stations to retain the right to refuse or substitute for network programs. We invite comments on the general question of whether these rules, or some of them in their present form, are needed in light of the greatly changed circumstances mentioned above. Suggestions are also invited as to any changes which parties believe should be made in these rules, either in the direction of liberalizing unnecessary restrictions or of tightening the rules to avoid the development of situations contrary to the public interest.

[5] The discussion at this point relates to the future applicability of these rules with respect to the national interconnected conventional networks mentioned. In § D, below, we discuss the matter of rules for other types of entities.

8. From a reading of the 1941 Chain Broadcasting Report, it is apparent that the rules reflect two things: first, the high degree of network dominance existing at that time, necessitating substantial restrictions to curb its effects if the public interest was to be secured; and, second, the strong desire of the Commission to further the development of Mutual and other national networks, in the face of the entrenched positions of NBC and CBS which those companies vigorously sought to maintain. As to the first, it seems rather apparent that "network dominance" over individual stations is considerably less now than it was then, at least overall. With network revenues such a small proportion of radio earnings, with rather numerous networks or similar services available, and with network programing occupying typically (except with affiliates of NBC's NIS network) only a small amount of a station's time, it might be that the earlier practices which led to the rules in 1941 would not occur today even in the absence of such regulation. With respect to the second point, the vastly increased numbers of AM and FM stations mean that limitations on access to some of them are, overall, a matter of somewhat less concern, although certainly in individual cases this may be a very important factor. Mutual has become at least fairly well established, and there have developed a number of other national network services, as mentioned above.

9. *Two specific numerical limitations*—Parties commenting on these five rules may wish to address themselves particularly to two rules which impose specific numerical limitations, and therefore are in this sense more restrictive than the others—§ 73.133, limiting affiliation agreements to a term of two years (or two years and six months from date of execution), and § 73.134, limiting the amount of time stations may option to networks.

D. "What Is A Network"; Applicability Of The Same or Different Rules to Variouss Types of Entities

10. One of the most important aspects of this proceeding is an effort to define "network" in the various senses in which it is used in the Commission's rules, and to arrive at a general idea as to what entities are to be included in the definition for various purposes, and what differences, if any, there should be in the rules applicable to the various kinds of entities.

11. The term "network" is not used in the Communications Act, but is generally regarded as synonomous with "chain broadcasting", defined in § 3(p) of the Act as "simultaneous broadcasting of an identical program by two or more connected stations". It is not defined specifically, in any overall sense, in the broadcast rules; § 1.613, concerning the filing of agreements for network service, states that agreements with a "national' regional or other network" must be filed.[6]

[6] Sections 73.658(j) and 73.658(1)(1)(v) contain definitions, but only for these particular rules applying to the three national networks.

12. Comments are invited as to which of the following kinds of entities should be included within the term "network" for the meaning of our *substantive* rules, and as to how the rules adopted for any of these kinds of entities should differ from those for the regular national interconnected networks mentioned above. Parties may wish to suggest other entities. In the next few paragraphs following the listing, we discuss some of the important concepts involved.

(a) The audio services operated by AP Raido and UPI Audio, which involve station payment of a fee rather than any network advertising.

(b) Regional and state interconnected networks furnishing daily service, either (i) news and other informational material, or (ii) weather only.

(c) Ad hoc "occasional" networks operating nationally or regionally, such as the Indianapolis 500 network and other per-program operations.

(d) Seasonal regional and state sports networks, such as football and basketball.

(e) Non-interconnected entities of various types, such as Keystone Broadcasting System, Tobacco Network, et al.

13. *Filing requirements.* Aside from changes in the substantive rules relating to networks, and definition of that term for substantive purposes, it may be appropriate to relax for radio, or conceivably to eliminate entirely, the requirement in § 1.613(a) of the rules that stations must file network agreements with the Commission, as long as the agreement is readily available at the station if questions arise. At least, it appears that with respect to some types of entities, there is no substantial reason to require the filing of agreements with the Commission even though these entities are within the scope of the substantive network rules. Comments are invited.

14. *The newswire audio services.* In the Appendix hereto, we summarize the material contained in two petitions, one for declaratory ruling and one for rule making, filed by Mutual in August 1974; and oppositions thereto by AP and UPI. Mutual seeks to have the network rules apply to these entities just as they do to it, ABC et al, including the two-year restriction, the filing of agreements, the "simultaneity" rule and the "small market policy". AP and UPI urge that they are not networks, since they do not involve any of the problems and abuses noted in the 1941 Report and since, moreover, they do not operate on the traditional basis of selling the station's time and returning it part of the money received. Rather, they simply provide an audio news service, for a fee. Comments on this subject are invited.

15. *State and regional networks and other interconnected entities.* The Chain Broadcasting Report concluded that the same rules should be applied to regional and state networks as to national operations, noting that the practices involved were on occasion just as restrictive and, in one case noted, even more so with respect to exclusivity. See CBR 77–79. However, this conclusion was reached with some reluctance; it was recognized that the restraints do not loom as large, and

the Commission stated that in applying the rules to networks other than national it would take into account any local factors removing them from the purpose of the rules. Comments are invited on what rules should apply to such entities.

16. *Possible exemption for "de minimis" operations.* Comments are invited as to whether operations below a certain level of activity—in terms of time per day (such as under one hour), number of stations (e.g., under 15), or number of programs involved (e.g., an occasional network for only one program)—should be exempt from filing requirements or substantive requirements, or both, and if so what standards in these respects should apply.

17. *Commonly owned stations.* In defining the term "network" it appears that networks consisting only of commonly owned stations might well be excluded, since the agreement", if there is one, is largely a formality. Comments on this point are invited.

E. Network Ownership of Stations

18. Section 73.136 bars network ownership of two stations serving substantially the same area, or of one where facilities are so few or so unequal that the result would be anti-competitive. Obviously it is desirable to delete the first part of this, since the concept has long since been merged into the multiple ownership rules, and it is misleading to keep a rule with a negative implication that other parties, not network companies, may own stations under these conditions. With respect to the remainder of the rule, in view of the vastly increased number of stations as compared with the number dealt with in the Report in this connection (see paragraph 4, above), it is open to some question as to how much significance this rule could have in any event. Comments are invited as to whether the rule should be repealed.

F. Non-Availability of Network Programs; "Territorial Exclusivity"

19. Unlike the majority of the network rules, § 73.132, limiting the extent to which stations may get exclusivity with respect to their network's programs, is not designed to curb "network dominance", but to curb station dominance or leverage. There have been allegations of practices in this area assertedly contrary to the public interest. These include assertions concerning: (1) a station, affiliated with one network, holding and "sitting on" an affiliation with another, not presenting any of its material for a fairly extended period while it made up its mind as to its future format (and thus depriving other stations and the public of the material); (2) a national network refusing to make available, to another station in the same city, a program not taken by its regular affiliate; (3) the situation dealt with in a recent decision concerning Cheyenne, Wyoming, and the "small market policy", in which it was alleged that CBS and NBC are not interested in affiliations there because their affiliates in Denver, some 95 miles away, serve Cheyenne. (See FCC 76–51); (4) a national network company telling a would-be affiliated station that affiliation would be granted only if there was no objection from the network's affiliate in a much larger city (some 75 miles away).

20. We do not know in detail the facts of these situations, and make no judgments here as to them. They do give ground for concern that there may be artificial restraints on the availability of national network programming beyond what is in the public interest. Comments on this subject, and possible approaches to dealing with it, are invited. Parties may wish to bring to our attention particular situations warranting either individual Commission exploration in light of our rules and policies, or changes in these rules and policies. Possible general approaches to such situations might include, without limitation: [7]

(1) Consideration of adopting a narrower definition of permissible "territorial exclusivity" than that which is now contained in §§ 73.132 and 73.232, for example including a maximum mileage limitation such as 50 miles.

(2) Consideration of a rule or of a policy such as that adopted as a policy in television in December 1970 (Docket 16041), in which we emphasized the duty of the television network to make reasonable efforts to make available programs not cleared by affiliates to other stations in the market, and to make programs reasonably available to stations at some distance from, but not completely out of reception range of, large-city affiliated stations. See "Television Programs Not made Available to Certain Television Stations" (Docket 16041), 26 FCC 2d 772.

(3) Consideration of a rule prohibiting networks from continuing, beyond a brief period, affiliations where the station is not using substantial amounts of the material, particularly if the station involved is also affiliated with another network; or conceivably, a rule barring two affiliations entirely if there are other stations in the market seeking an affiliation.

G. Restrictions on Use of Programs From the Same Network Company by More Than One Station in a Market

21. This area of regulation, presently embodied in the "dual network" or "simultaneity" rule and the small market policy, is perhaps the most sensitive aspect of this proceeding. We are seriously concerned that barring multiple uses of radio network services acts to limit freedom of expression and the public's ability to receive the widest possible dissemination of valuable news and informational programming. At the same time we are mindful that the absence of all restrictions on the use of programs from the same network company by more than one station in a market could result in an undesirable degree of concentration of control over the flow of information in a particular community. While we have reached no conclusion that any government rule or policy is necessary in order to achieve the proper balance between these competing considerations, some Commission oversight in this area might be appropriate. Accordingly, we will consider herein the possibility of some rule.

22. *Adoption of a "50%" standard.* In two recent decisions granting waiver of the small-market policy, as well as one in 1974, we have permitted additional AM affiliations in markets where the result would be carriage of ABC material by no more than 50 percent of the total of AM and FM stations combined.[8] If we were to adopt any rule to limit concentration of control in this area, it might be appropriate to begin with consideration of this standard. General comments are invited on this proposal, any other alternative and, indeed, on the fundamental question of whether any government rule or policy is required. If these comments demonstrate the need for our oversight, and if the Commission decided to adopt a small market rule similar to the "50%" standard noted above, it would appear that four specific matters would also have to be resolved. Consequently, in the interests of expediency, we shall solicit more particular comment on those matters as well.

23. *Inclusion of FM stations.* The small market policy applied to ABC, Mutual, et al, has not so far included FM stations, except as treated in the waiver cases referred to above. If this waiver policy is to be incorporated into a permanent rule, we invite comments on whether FM stations should be included. In this connection, the question also arises of how commonly owned AM and FM stations should be treated. We are of the tentative opinion that, in view of FM's increasing importance as an independent service, both AM and FM stations should be considered and that commonly owned AM and FM stations should be treated separately except to the extent that our rules permit these commonly owned stations to duplicate programming. Comments are invited, however, on this subject.

24. *Definition of "market" for the purpose of the regulation.* The present small-market policy, treating as the "market" unit an entire SMSA or an individual community outside an SMSA, appears less than entirely satisfactory in two respects: (1) Where an SMSA is large in area, the possibility of an affiliation in a given community may depend on the existence of an affiliated station in another community a considerable distance away and not serving the first community; and (2) outside of SMSA's the policy applies only to individual communities and ignores the situation in other communities which may be close

[7] Parties may wish to comment on whether there should be different provisions in this respect for national networks and for state or regional networks, or other differences as to types of networks.

[8] *See Medford, Oregon,* 46 FCC 2d 863, 867 (1974); Provo, Utah and Cheyenne, Wyoming, FCC 76–51 (January 26, 1976) and Loves Park Illinois, FCC 76–78 (January 29, 1976).

by.[9] We would propose to substitute for both a provision that communities, which are adjacent or within 10.0 miles of each other on a reference-point basis, are regarded as one community for the purpose of the rule. Comments are invited.

25. *Significance of outside service.* One of the chief grounds for waiver of the policy in the past has been the presence of outside non-ABC service in the community. We believe that the presence of outside service should continue to be a factor and that the "50%" standard could be applied in either of two ways—to stations licensed to a particular community or a community within 10 miles, or to stations providing primary service (1 mV/m FM, 2mV/m AM unless the city is under 2,500 population.[10] One question in this connection is what significance should be attached to outside service from a source more than a specified number of miles distant from the community involved. Comments are invited.[11]

26. *Networks subject to the rule.* At the outset of this Notice, we acknowledged that there appear to be several kinds of radio networks presently in existence which may warrant differentiated treatment in various aspects of whatever radio network rules we adopt. The question arises, therefore, whether the "50%" standard can be applied across-the-board. Accordingly, we invite comments concerning whether the standard should be applied to state and regional networks, sports networks or "occasional networks. The question of applying any regulation to the AP Radio and UPI Audio Services (par. 14, above) is also involved here. Further we solicit views on whether a stricter standard should be applied to networks, such as NBC's new NIS, which take from 30 to 50 minutes of a station's time per hour (as opposed to the typical national radio network using only, on the average, 5 to 10 minutes per hour of the station's time).

27. *Application to existing arrangements.* Finally, we invite comments on the extent to which existing affiliation arrangements should be grandfathered.

28. *The "simultaneity" rule.* As adopted in 1941, the "simultaneity" rule was designed to bar NBC's dual Red and Blue Network operation. The conclusion that dual-network operation is bad, is not, in our judgment, one which can be reached under present circumstances. There is no reason why multi-network operation should not be permitted to a considerable extent. The rule serves little useful purpose under present conditions, since ABC is able to operate three AM networks under it; rather it appears to function chiefly as a rather meaningless restriction on licensee flexibility in scheduling network and other material. Accordingly, we propose to dispense with the rule. However, we invite comment on this intention and specifically on the subject of the potential for abuse in the absence of any rule.

H. Educational Networks and Stations

29. The network rules are silent as to, and we have not so far discussed herein, public or educational stations and networks. Comments on this subject generally are invited—whether there should be express provisions in the radio network rules concerning these networks or stations, and if so what they should be. Comments are also invited as to these entities in relation to possible regulation of the type just mentioned, concerning use of material from a network source by more than one station in a market—as to whether educational FM stations should come under the rule with respect to their use of network material,[12] whether they should count as additional stations so as to permit additional affiliations by commercial stations, etc. Comments are also invited as to how various kinds of educational or public stations should be treated—10-watt educational FM, other educational FM, educational AM, etc.

I. Procedural Matters

30. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 10, 1976 and reply comments on or before June 7, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken herein. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

31. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Material filed will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

32. Authority for the institution of this proceeding and adoption of rules along the lines proposed is found in sections 4(i), 303(f), (g), (i), and (r), and 403 of the Communications Act of 1934, as amended.

Adopted: February 19, 1976.

Released: February 26, 1976.

Federal Communications Commission,
[SEAL] Vincent J. Mullins,
Secretary.

Appendix

Summary of arguments of Mutual Broadcasting System, Inc., The Associated Press and United Press International concerning application of network radio rules to Associated Press Radio and United Press International audio

1. Mutual Broadcasting System, Inc. filed two petitions with the Commission in August, 1974,—"Petition for Declaratory Ruling" filed August 7, and "Petition for Rule Making" (RM-2432) filed August 14—both generally asking the Commission to apply the network radio rules[1] to the audio news services of the Associated Press, AP Radio (APR), and United Press International, UPI Audio (UPIA). The Commission also received the following pleadings from interested parties: "Response of the Associated Press to Petition for Declaratory Ruling"; "Statement of United Press International, Inc. In opposition to Petition for Declaratory Ruling"; "Reply of Mutual Broadcasting System, Inc. to Statement of United Press International, Inc. and Response of the Associated Press"; "Response of the Associated Press to Request for Rulemaking"; "Statement of United Press International, Inc. in Opposition to Petition for Rulemaking"; and "Reply of Mutual Broadcasting System, Inc. to Statement of United Press International and Response of the Associated Press to Rule Making Proceeding". In addition, the Commission received a letter from Allen D. Lee, President of KART Broadcasting Co., Inc., opposing the Mutual request.

2. These "audio services" furnished by the two newswire services include complete newscasts of about five minutes duration many times each day (21 daily for UPI, 18 daily for AP), plus other material for both services (UPI sportscasts and broadcasts of "actualities", AP one-minute headline packages 17 times daily plus other spot reports). UPIA has been in existence since 1958, but only since May 1971 has it included full newscasts; it reaches about 700 U.S. radio stations in some 540 cities. APR began in October 1974 with about 100 subscribing U.S. radio stations, and as of fall 1975 claimed 300 stations. One important aspect of these

[9] In the Kennewick-Richland-Pasco (Tri-cities) area of Washington, ABC is affiliated with 3 of 4 AM stations, and both FM stations, licensed to these communities. The AM affiliations were originally permitted because they are separate cities; later, after the area was designated as SMSA in 1971, they were justified in part because of another AM and FM station in the SMSA, at Prosser, Washington, even though these do not put a primary-service signal into the Tri-cities area.

[10] If there are three or more stations licensed to the community, perhaps at least one of them should remain without the programming of the network company, regardless of the amount of outside service.

[11] In connection with the matter of what outside service should be included, what the market unit should be, etc., parties may wish to comment on the possibility of using rating-service data (e.g., Arbitron) and the market definitions used in presenting the survey material, instead of the criteria used here.

[12] Educational radio stations provide additional service in many communities. A few educational stations carry ABC network material with commercials deleted; a larger number carry UPI Audio or AP Radio material.

[1] Mutual sought application of a rule completely barring affiliation with any network owned or controlled by a news wire service; or otherwise: (1) The limitation on network-station affiliation contracts to a term of no more than two years (§§ 73.133 and 73.233 of the Rules for AM and FM stations respectively); (2) the prohibition against simultaneous presentation of material from the same network company by two or more stations in the same market (§§ 73.137 and 73.237); and (3) the "small market policy", which is not contained in the rules but has been specifically applied to ABC, Mutual and Texas State Network in their multiple-network operations, and is voluntarily observed by NBC. This policy limits affiliations by AM stations in the same market with the same network company to one station in a market with four or fewer, and two in a five-station market. Section 1.613, concerning the filing of affiliation agreements with the Commission, is also said to apply.

operations is that the material includes no advertising from the source; rather, the material is provided to the stations for a fee depending on the size of the market (positions in the newscasts are open for local sale by the station). AP and UPI also of course furnishes newswire service to many stations as well as to newspapers. We are informed that the APR audio service is available to stations separately from the wire and at the same price as if the station were a newswire subscriber; UPI Audio service is also available separately but at a higher price than that paid by stations which are also newswire subscribers.

ARGUMENTS OF MUTUAL AND AP–UPI

3. Mutual claims, in support of its request, that these audio services are clearly within the statutory definition of "chain broadcasting"—"simultaneous broadcasting of an identical program by two or more connected stations" (Communications Act, Section 3 (p))—and that this the same and "networking", the term "network" not being defined in the Act or the Rules.[2] It is pointed out that these companies use the term "network" in their promotional literature. Mutual also claims that the basic policies and principles supporting network regulation in 1941 and since apply here. Thus, to permit an organization such as APR or UPIA to have unlimited affiliates or subscribes in the same market impairs vigorous competition among networks, tends to reduce diversity in news sources to the detriment of public, and gives AP and UPI an undue advantage in being able to spread their costs over more subscribers. In these respects, it is immaterial whether the multimple affiliates in the market result from different commonly owned networks (like ABC and Mutual) or multiple subscribers to the same service; in either case there is a tendency toward monoply which should be checked. It is also urged that permitting these companies to make contracts running for more than two years gives them an unfair advantage over Mutual and other conventional networks subject to the rules, adding to the advantage they have through being able to sell their audio service as part of a package along with the newswire service, as well as unduly curtailing licensee discretion.[3] In sum, "the public interest requires that all network organizations operate on an equal footing." Mutual says that, regardless of whether there are present "abuses", the Commission has a duty to act to prevent the growth or continuation of what Mutual terms "media monoply".

4. *AP–UPI arguments and Mutual's reply*—Besides a procedural argument by AP[4] the newswire services advance a range of substantive arguments against the Mutual request and proposed regulation. Both urge the nature of their operations as being completedly different from those which were the subject of the 1941 Chain Broadcasting Report and the rules adopted therein, as well as later studies such as the "Report on Network Broadcasting" (the "Barrow Report"), H. Rept. No. 1297, 85th Cong., 2nd Sess., January 1958, and the "Second Interim Report" in Docket 12782 (1965). It is claimed that, unlike the conventional networks then and now, the services present no advertising, rather simply offering a service for the benefit of subscribing stations, which they choose, without any "network pressure" to clear material, thereby contributing to the larger and more effective use of raido. Thus, there are present here neither all of the elements which entered into the term "network" as considered in the 1941 Report, nor any reason for the application of similar restrictions. Moreover, even if they were to be considered "networks" these entities are certainly not *dual* or "multiple" networks within the meaning of the "dual network" rule or like the companies subject to the small-market policy. It is also claimed, particularly by AP, that any restriction on serving multiple stations in the same market flies in the face of "Associated Press v. U.S.", 326 U.S. 1 (1945), in which AP's policy of excluding papers competing with its members was held illegal under the antitrust laws, and it was, assertedly, directed to offer its service to all who wish it.[5] It is also urged that any such restriction on number of subscribers would be unconstitutional as a prior restraint (on the wire services and those licensees barred from subscribing) violating the First Amendment, particularly in the absence of any real regulatory justification like the abuses which led to the Chain Broadcasting Rules.

5. It is also claimed that the regulation sought is not necessary and would be contrary to the public interest. UPI claims that a 5-year contract period is needed for stability, and that it has multiple AM or multiple FM subscribers in only a small number of places, with no known instances of simultaneous carriage. AP claims that the cost of the APR service is so small that it does not in practice preclude a station from entering into other network arrangements. UPI points out that when it began its audio service in 1958 it provided the fifth national news service for radio stations, whereas there are now a total of at least 12.[6] It is claimed that Mutual has made no showing and its allegations as to the demise of other networks are pure speculation. Both of the services urge that the proposed regulations, if applied to their audio services, would probably end their existence; their services would be so expensive if limited to one subscriber per market, or so inflexible if limited to non-simultaneous use, that stations would usually not be interested.

6. Mutual in reply makes various assertions including the contentions that the *Associated Press* decision does not preclude reasonable regulation in this area,[7] that the situation is really quite close to the facts dealt with in the Chain Broadcasting Report, and that licensees will have maximum possible discretion in the selection of programming through the application of the proposed rules to APR and UPIA. It is asserted that there is substantial "pressure" on a station to use APR or UPIA material, simply because it has contracted and will be obliged to pay for it; and, just as with conventional network programming, the material is run as is, without any local input.

[FR Doc.76–6086 Filed 3–2–76;8:45 am]

[2] Mutual claims that, while the 1941 Chain Broadcasting Report discussed many other features characteristic of network operation, these additional aspects of the subject were not intended to "narrow the decisional criteria."

[3] Mutual has made the same arguments in a proceeding (Docket 15721) which the Commission has under consideration proposing a less than three year limit on newswire service contracts. This proceeding has been pending since 1964. In reply comments, Mutual urges "reopening" of this proceeding and expansion of the inquiry to include the matter of tying audio news agreements to wire service contracts.

[4] AP claims that this is not an appropriate matter for a declaratory ruling because the applicable section of our Rules, Sec. 1.2, is tied to Sec. 5(d) of the Administrative Procedure Act (5 U.S.C. Sec. 554(e)), and the latter relates only to "adjudication", which the present matter is not. Mutual asserts in reply that the question of the applicability of the chain broadcasting rules to APR and UPIA is in fact an adjudication.

[5] AP calls attention to its situation as a non-profit mutual news cooperative, whose sole purpose is to furnish news to all who wish it.

[6] UPI Audio News Service, NBC, CBS, American Information News, American Contemporary News, American Entertainment News, American FM News, Mutual News, Mutual Black News, National Black News, Westinghouse News and AP Radio.

[7] Mutual refers particularly to *NBC v. United States*, 319 U.S. 190 (1943) which affirmed the Commission's original adoption of the chain broadcasting rules.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

AMENDMENTS TO CRUDE OIL BUY/SELL PROGRAM

Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, to conform the coverage of the buy/sell program to that of newly adopted Part 214, which sets forth FEA's Mandatory Canadian Crude Oil Allocation Regulations (41 FR 4716, January 30, 1976), and to amend the provisions (pursuant to one of two alternative proposals) governing the pricing of crude oil sold under the program. The FEA will receive written comments and hold a public hearing on these proposals.

If adopted, these amendments are proposed to be effective for the March 1, 1976 and subsequent allocation quarters and would be reflected in revisions to the purchase opportunities and sale obligations set forth in buy/sell list for that allocation quarter, which was issued on February 20, 1976.

I. *Proposed Amendments to Conform Buy/Sell Program to Canadian Allocation Program.* In the initial proposal to establish Part 214 (41 FR 54587, November 25, 1975), FEA indicated that it intended to propose amendments to alter the coverage of the buy/sell program in view of the impending adoption of a separate allocation program for Canadian crude oil.

The amendments so proposed herein first would exclude from the calculation of the purchase opportunity for a refiner-buyer volumes of crude oil runs to stills attributable to any first priority refinery under Part 214 owned by that refiner-buyer and would prohibit buy/sell program purchases with respect to any such first priority refinery. As provided in Part 214, first priority refineries qualify for preferential allocations of Canadian crude oil because they are historic users of substantial volumes of Canadian crude oil which cannot currently be replaced with non-Canadian supplies. All Canadian crude oil imported after December 31, 1975, except that which is not a factor in the calculations for the maximum export levels fixed by Canada, is allocable pursuant to Part 214. In addition, the program is proposed to be amended not to require allocation sales or buy/sell crude oil that would result in a decrease in crude supplies available to any first priority refinery owned by a refiner-seller. The proposed changes are intended to avoid the possibility of al-

locating Canadian crude oil under two separate programs by removing potential duplication in coverage between Parts 211 and 214. FEA specifically invites comments as to whether the elimination of purpose opportunities for first priority refineries is appropriate, or whether their purchase opportunities should be modified in a more limited fashion.

It is also proposed that a refiner-buyer's purchase opportunity under the buy/sell program be increased with respect to any second priority refineries owned by such refiner-buyer in an amount corresponding to the amount of Canadian crude oil lost by operation of the reduced Canadian export levels. This change is intended to assist those firms in their efforts to replace their Canadian supplies by making increased crude oil available to them under the buy/sell program.

The proposed amendments would also reduce a refiner-seller's fixed percentage share by that portion of its January 1, 1973 refining capacity that is attributable to any first priority refinery of such refiner-seller. This proposal would reduce a refiner-seller's proportionate share of the total allocation obligation of all refiner-sellers under the program to reflect its now more limited access to crude oil supplies for its first priority refineries.

II. *Proposed Amendments to Part 212.* Under the first alternative proposal, which is reflected in the regulatory amendments proposed hereby, pursuant to § 212.94 each refiner-seller would calculate the weighted average cost of its crude oil deliveries for determination of its sale price under the program solely by reference to its deliveries of imported crude oil other than from Canada, with no pricing distinctions based on PAD Districts and with a uniform gravity adjustment of 3¢ per degree API. This provision is proposed in conjunction with an amendment to the entitlements program (§ 211.67(f)) also set forth herein which provides that, effective March 1, 1976, no volumes of domestic crude oil would be deemed to be sold in sales under § 211.65. Canadian crude oil would be excluded from the price calculations because such crude oil in most cases would not be subject to allocation under § 211.65, assuming the other amendments proposed herein are adopted.

Utilization of each seller's weighted average landed cost of imports is intended to ensure that sales of allocated crude oil under the buy/sell program are for supply proposes only, rather than partially being used for cost equalization purposes. The proposed amendments should not result in any effective increase in the costs to refiner-buyers of crude oil sold under the program, due to the cost-equalizing effects of the entitlements program which, pursuant to a separate rule-making, is proposed to be modified to account more effectively for the differential between imported crude oil costs and domestic upper tier crude oil costs.

The proposed change in the pricing of sales under the buy/sell program should also eliminate reporting difficulties under the entitlements program that are associated with the initial and revised certifications as to the old oil content of buy/sell program sales. In addition, it should be noted that, at the hearings on the reevaluation of its regulations held on February 17, 18 and 19, 1976, FEA received comments urging that this proposed pricing amendment be adopted.

As to its first alternative proposal, FEA invites comments as to whether the current handling fee for crude oil sold under the program should remain fixed at 30¢ per barrel, or whether the fee should be changed to a lower amount or eliminated. FEA additionally requests comments as to the merit in also providing for adjustments to the pricing calculations under its first alternative to reflect the sulphur content of crude oil sold under the buy/sell program. No specific regulatory language has been proposed herein in this regard; however, firms commenting are invited to address the need, if any, for any such an adjustment and the manner in which such an adjustment could be effected. In addition, FEA invites comments as to whether the gravity adjustment proposed is appropriate and, if not, what amount constitutes the proper adjustment in this regard.

Finally, FEA solicits comments as to the need for and suggested methods to implement a reduction of a refiner-seller's unsold amount carry forward sales obligation in cases where a refiner-buyer has refused a bona fide offer of suitable allocated crude oil pursuant to a directed sale order.

Alternative Proposed Pricing Amendment. Under FEA's alternative proposal as to the calculation of sale prices for refiner-sellers under the buy/sell program, all volumes of crude oil sold for an allocation quarter would be priced by reference to an FEA published price for imported crude oil, with specified gravity, quality and transportation adjustments. These prices would be calculated to be equivalent to the landed cost of imported crude oil, and would be the same for all refiner-sellers selling a particular type of crude oil in the same PAD District. The sale price calculations would be applicable even though domestic volumes were sold under the program, although in this latter case no domestic crude oil would be deemed to have been transferred for purposes of the entitlements program. FEA would modify its reference prices prospectively during an allocation quarter if it determined that such prices were no longer representative of the landed costs of imported crude oil.

For example, if these calculations were to be implemented forthwith, FEA would utilize a reference imported crude oil, such as 34° API gravity Arabian light, with a sulphur content by weight of 1.7%. The price for this crude oil the Persian Gulf is now estimated to be $11.51. The landed cost therefor in PAD District I would be that price plus the current AFRA rate for the LR–2 class of tankers from the Persian Gulf to Philadelphia (or approximately an additional $1.35 per barrel). For sales in PAD Districts II, III and IV, the AFRA rates to the Gulf Coast would be utilized and, for sales in PAD District V, AFRA rates from the Persian Gulf to Los Angeles would be added. In addition, to the extent the gravity or sulphur content of the particular crude oil sold varied from 34° API and 1.7%, further adjustments would be made. For example, an estimated current representative per barrel gravity adjustment would be to add or deduct, respectively, 0.3¢ per tenth degree API that the gravity of the crude oil sold either exceeded or was less than 34° API. In addition, an estimated current representative per barrel sulphur adjustment would be an additional 3¢ for each one-tenth of a percent by which the sulphur content of the crude oil sold was less than 1.7%, and a reduction of 1¢ for each one-tenth of a percent by which the sulphur content of the crude oil sold exceeded 1.7%, up to 2.0%.

FEA generally invites comments as to whether this proposal would result in equitable prices for crude oil sold under the buy/sell program, and specifically as to whether the estimated gravity and sulphur differentials should be. Finally, FEA requests comments as to whether the current handling fee of 30¢ per barrel should be retained, whether this fee should be set at some lesser amount or whether any handling fee at all should be provided for.

III. *Comment and Public Hearing Procedures.* As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

A public hearing on this proceeding will be held begining at 9:30 a.m., Tuesday, March 16, 1976, in Room 2105, FEA, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., e.s.t., March 9, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through March 15, 1976.

Each person selected to be heard will be so notified by the FEA before 4:30

p.m., e.s.t., March 11, 1976 and must submit 100 copies of his or her statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 15, 1976.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., March 15, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection in the Freedom of Information Office, FEA, Room 3116, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box EW, Washington, D.C. 20461.

Comments should be identified on the oustide envelope and on documents submitted to Executive Communications, FEA, with the designation "Amendments to Buy/Sell Program". Fifteen copies should be submitted. All comments received by March 16, 1976, and all relevant information, will be considered before final action is taken on the proposed rulemaking.

Comments received in response to this notice will be available for public inspection after the comment period in the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued at Washington, D.C. on February 27, 1976.

DAVID G. WILSON,
Acting General Counsel.

1. Section 211.65 is amended by adding a new subparagraph (8) to paragraph (a) and by revising subparagraphs (3) and (5) of paragraph (a) and clause (iii) of subparagraph (2) of paragraph (d) to read as follows:

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

§ 211.65 Method of allocation.

(a) *Purchase opportunities of refiner-buyers.*

* * * * *

(3) A refiner-buyer's volume of crude oil runs to stills for the period February through April, 1974 shall exclude (i) the volume of crude oil runs to stills in such period attributable to crude oil purchased by that refiner-buyer in such period pursuant to the provisions of this subpart; (ii) the volume of crude oil runs to stills in such period attributable to imports of crude oil in such period in excess of the reported estimate of crude oil imports of that refiner-buyer for such period; (iii) the volume of crude oil runs to stills in such period attributable to any first priority refinery (as defined in Part 214 of this chapter) of such refiner-buyer; and (iv) the volume of crude oil imported from Canada as to which any second priority refinery (as defined in said Part 214) of such refiner-buyer no longer has access due to the reduction in exports of crude oil by Canada.

* * * * *

(5) For purposes of the calculations in paragraph (a)(1) of this section, the volume of crude oil runs to stills of a refiner-buyer in 1972 shall be (i) increased by the volume of crude oil necessary to operate any new refining capacity of that refiner-buyer at the supply to capacity ratio at which all refineries of that refiner-buyer operated in the year 1972, taking into consideration crude oil supplies (in excess of supplies included in its February through April, 1974 crude oil runs to stills) available to that refiner-buyer for such new capacity; and (ii) decreased by (A) the volume of crude oil runs to stills of such refiner-buyer attributable to any refining capacity which has ceased to be operated continuously in the normal course of business since December 31, 1972 and (B) the volume of that refiner-buyer's crude oil runs to stills attributable to any first priority refinery (as denfied in Part 214 of this chapter) of that refiner-buyer.

* * * * *

(8) No refiner buyer shall purchase crude oil under this section for processing in any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer.

* * * * *

(d) *Refiner-sellers' sales obligations.*

* * * * *

(2) *Calculation of primary sales obligations.*

* * * * *

(iii) A refiner-seller's fixed percentage share is its proportionate share of the total refining capacity of all refiner-sellers as reported to the Bureau of Mines on January 1, 1973, as certified by the FEA. A refiner-seller's fixed percentage share shall be reduced by the refining capacity (as of January 1, 1973) of any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-seller. New refining capacity or future refining capacity shall not subject a refiner-seller to any increase in its fixed percentage share. No refiner-seller shall be required to sell any of its supplies of crude oil under this section if the sale thereof would effect a reduction in the crude oil supplies available for any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-seller.

2. Section 211.67 is revised in paragraph (f) to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(f) *Transactions under § 211.65.* (1) Effective for sales for the allocation quarter commencing March 1, 1976 under § 211.65 of this part, no sale by a refiner-seller under § 211.65 shall be deemed to include any volume of domestic crude oil.

(2) For sales for allocation quarters prior to the allocation quarter commencing March 1, 1976, each sale by a refiner-seller under § 216.65 shall be deemed to include volumes of old oil (and upper tier crude oil, if any) proportionate to the volumes thereof included in the deliveries of crude oil to that refiner-seller that determine the price at which the sale is made under § 212.94 of Part 212. Any volumes of domestic crude oil so deemed to be included in any sale under § 211.65 shall be reflected in the crude oil receipts of the refiner-buyer concerned. As to each sale for any such prior allocation quarter, each refiner-seller shall certify to the refiner-buyer the volume of old oil

(and upper tier crude oil, if any) included in the volume of crude oil sold within twenty-eight (28) days following the month in which the crude oil is delivered to or for the account of the refiner-buyer in accordance with the provisions of § 212.131 of Part 212.

(3) In determining the weighted average landed cost of crude oil delivered to a refiner-seller in a month pursuant to § 212.94 of part 221, the cost of any required purchases or revenues from any sales of entitlements by that refiner-seller shall not be taken into account.

* * * * *

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. Section 212.94 is revised to read as follows:

§ 212.94 Allocated crude pricing.

(a) *Scope.* This section applies to each scale of crude oil made pursuant to the provisions of § 211.65 of this chapter, effective for sales obligations for the allocation quarter commencing March 1, 1976, and subsequent allocation quarters.

(b) *Rule.* (1) Notwithstanding the general rules described in this subpart, the price at which crude oil shall be sold when required in § 211.65 of Part 211 of this chapter during each month shall not exceed the weighted average landed cost (as defined in § 212.83) of all imported crude oil (other than crude oil imported from Canada) delivered to a refiner-seller in that month, plus a handling fee of 30 cents per barrel, any transportation adjustment as specified in paragraph (b) (2) of this section and any gravity adjustment as specified in paragraph (b) (3) of this section. Each refiner-seller making such a sale shall calculate its price under this section and shall maintain records, which shall be made available to the FEA upon request, listing the volumes and delivered prices of all crude oil delivered to its refineries during each month.

(2) Actual additional transportation expenses incurred to move the crude oil to the refiner-buyer's refinery shall be paid by the refiner-buyer. Actual transportation expenses saved as a result of moving the offered crude oil directly to the refiner-buyer's refinery shall be deducted from the selling price, if customarily included in such price.

(3) The price adjustment for gravity differential of crude oil offered for sale under § 211.65 of this chapter shall be the weighted average landed cost (as defined in § 212.83) as calculated under paragraph (b) (1) of this section plus or minus 3 cents per barrel per °API that the crude oil being offered for sale under § 211.65 of this chapter is above or below the weighted average °API of estimated runs of all crude oil for the forthcoming calendar quarter for the refiner-seller.

[FR Doc.76-6124 Filed 2-27-76;4:07 pm]

[10 CFR Part 212]

REFINER PRICE REGULATIONS—ORDER OF RECOUPMENT OF INCREASED COSTS

Proposed Rulemaking and Public Hearing

On February 1, 1976 the Federal Energy Administration ("FEA") issued amendments to its regulations (41 FR 5111, February 4, 1976) implementing the pricing policies of sections 401 and 402 of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163). The FEA stated in the preamble to the amendments that it was considering issuing a notice of proposed rulemaking and public hearing to "address a number of the issues regarding non-product costs raised in comments during this rulemaking." Two such issues raised in the comments were the order of recoupment of increased non-product costs and the prohibition against the carry-forward or "banking" of increased non-product costs. This notice of proposed rulemaking and public hearing will address these issues further.

To the extent that the total dollar amount of a refiner's "increased product costs" (i.e., increased costs of crude oil, residual fuel oil, and refined petroleum products) incurred in the "month of measurement" is not recouped in prices charged during the following, or "current" month, such increased product costs may be carried forward or "banked," and, subject to certain limitations, are available for recovery in prices charged in subsequent months. However, pursuant to § 212.83(e)(9) (numbered § 212.83(e)(6) prior to the February 1, 1976 amendments), increased non-product costs (e.g., increased costs of marketing, refinery fuel, labor, additives, etc.) which are not recouped in the month following the month in which they were incurred may not be "banked" or carried forward "for use in computing allowable prices in excess of base prices in any subsequent month."

In the February 1, 1976 amendments, a new §212.85 was adopted stated the order in which increased costs are deemed to be recouped, including both product and non-product costs, and including the new categories of costs that were established to implement the pricing policy provisions of the EPCA. Section 212.85 requires refiners to recover: first, total available increased product costs (whether attributable to crude oil or purchased products) and second, increased non-product costs only after all available increased products have been recouped. The FEA stated in the preamble to the amendments adding § 212.85:

> To the extent that the total amount of a refiner's increased costs of crude oil incurred in one calendar month (the "month of measurement") is not recovered in prices charged during the following calendar month (the "current month"), such increased costs may be carried forward or "banked" and passed through in prices charged in subsequent months, subject to certain limitations. Non-product costs may not be "banked" and are therefore considered to be recouped only after all available "increased product costs" (increased costs of crude oil and of purchased products) have been applied to establish "base prices."
>
> * * * * *
>
> Except for the complexities introduced by the statutory two-month and ten percent limitations, the order specified in the new § 212.85 is the same as that under the regulations previously in effect.

The purpose of requiring refiners to recoup all available increased product costs prior to recouping any increased non-product costs is to prevent refiners from carrying forward or banking increased non-product costs. Pursuant to § 212.83(e)(9) refiners may not carry forward or "bank" increased non-product costs which are not recouped in the month following the month in which they are incurred. Accordingly, a refiner which recoups increased non-product costs before recouping all of its available increased product costs and "banks" its unrecouped available increased product costs is, in effect, "banking" an amount of increased non-product costs equal to the amount of increased product costs it "banks." Thus, the practical effect of permitting refiners to pass through increased non-product costs before recouping all available increased product costs would be to permit non-product costs to be "banked" or carried forward in violation of § 212.83(e)(9).

Resellers, reseller-retailers, and retailers are not permited to carry forward unrecouped increased non-product costs. Ruling 1975-16 (40 FR 40834, September 4, 1975) states:

> Pursuant to § 212.93(e), Firm X is permitted to carry forward unrecovered "increased costs," as defined in § 212.92 (i.e., unrecovered increased product costs), for recovery in a subsequent month. The regulations do not include a corresponding provision for the carry forward of amounts by which prices charged do not take full advantage of the authorization in § 212.93(b) to charge prices in excess of those otherwise permitted, to reflect increased non-product costs.
>
> * * * * *
>
> * * * prices are regarded as being constituted of three elements, in the sequence in which those elements are set forth in the regulations; i.e., first, May 15, 1973 price; second, the increased product costs; and, third, increased non-product costs.

Thus, Ruling 1975-16 not only holds that resellers, reseller-retailers, and retailers may not "bank" unrecouped increased non-product costs but specifically states the sequence of recovery of increased costs which is necessary in order to prevent the "banking" of increased non-product costs.

On February 17, 18, and 19, 1976, as required by section 11(a) of the Emergency Petroleum Allocation Act of 1973, as amended, ("EPAA"), FEA held public hearings and received written com-

ments with respect to the adequacy and continuing necessity of FEA's mandatory price and allocation regulations to achieve the goals of the EPAA. A number of refiners commented that the sequence of recoupment of increased costs as set forth in § 212.85 was contrary to FEA's stated policy of granting refiners greater pricing flexibility. These refiners argued that in order to grant greater pricing flexibility and thus avoid distortions of refinery operations, the sequence of recoupment of increased product and non-product costs should be at the refiners option, subject to the limitations imposed by the EPCA.

FEA has become aware that several different methods of calculation are being applied by refiners in computing the amount of increased non-product costs that are applied in prices charged during a month and the amount of these costs that are recovered in sales during a month. In some instances, non-product costs have been applied or recovered first. It appears other refiners are prorating total cost recoveries between product and non-product cost increases. Both methods of calculation, in effect, cause the "bank" of product costs to subsidize the current recovery of non-product costs. This suggests that refiners are construing the "base price" (May 15, 1973 prices plus increased product costs) and a "price in excess of the base price" (i.e., base price plus non-product costs) differently than FEA has previously formally construed these terms. (See: "Gulf Oil Corp.", Case No. FEA-0301, 2 FEA ¶ 80,552, March 21, 1975.)

The purpose of this notice of rulemaking and public hearing is to gain information concerning the combined effects of § 212.83 (d) and (e)(9) and the new § 212.85, as adopted February 1, 1976 to comply with the EPCA two-month and ten percent limitations, on the ability of refiners to pass through increased product and non-product costs. In particular, FEA wishes to determine whether the regulations in their present form operate so as to have a serious adverse impact on refining operations.

Accordingly, FEA invites interested parties to comment on the following:

1. Should the specified order of recovery of increased product and increased non-product costs be modified to permit a proportionate share of each type of costs to be recovered each month? To illustrate, if a firm recouped 80 percent of its available increased product costs in sales during a month (and "banked" 20 percent), under this alternative treatment it would be permitted to recoup up to 80 percent of its increased non-product costs (but not to "bank" the remaining 20 percent). What other method of computing such recovery could be devised?

As FEA noted in the amendments of February 1, 1976, the designation of the order of cost recovery was provided at the specific requests of participants in that proceeding, and was intended to assure that those costs of crude oil first incurred could be considered to be first recouped, in order to minimize the adverse effects of the two-month and 10 percent limitations imposed by the EPCA.

2. Should some or all of any increased non-product costs not recouped during the month following the month in which they were incurred be permitted to be carried forward, or "banked," for recovery in subsequent months? (See § 212.83(e)(9).)

3. To what extent would the proposals contemplated in this proceeding change or affect the type of calculations presently being applied by refiners. In addition, FEA requests that refiners identify other applicable regulations (e.g., definition of "base price," § 212.82(b); allocation of increased non-product cost, § 212.83(d); etc.) which would require change or modification to effect the proposals advanced herein.

FEA also requests comments from refiners as to what order of recovery of increased product and non-product costs they employed prior to February 1, 1976 and the reasons for selecting the particular order of recovery used.

FEA is proceeding with this aspect of its review of the price regulations regarding non-product costs on an expedited basis in view of comments which have been received since issuance of the February 1 amendments stating that those amendments seriously threaten to disrupt refinery operations, to impair maintenance of normal inventory levels, and to result in wide month-to-month price fluctuations. In light of these potentially disruptive effects, FEA will consider in this proceeding whether the amendments, if any, which are adopted herein should be made retroactive to February 1, 1976 in order to coincide with the effective date of § 212.85, and whether clarifying amendments should be made with respect to the order in which increased non-product costs were to have been recovered under regulations in effect prior to February 1, 1976.

Other issues concerning non-product costs will be the subject of future rulemaking proceedings. These will include such matters as the manner in which increased non-product costs are calculated, whether additional categories of non-product costs should be included, and whether such increased non-product costs should be permitted to be applied to prices by alternative methods, such as methods which would reflect the product categories as to which the increased costs were incurred.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Box GB, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Recoupment of Non-Product Cost." Fifteen copies should be submitted. All comments received by Wednesday, March 17, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Thursday, March 18, 1976, in Room 2105, 2000 M Street NW., Washington, D.C. 20461, and March 19, if necessary, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Wednesday, March 10, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, March 16, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Friday, March 12, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Wednesday, March 17, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Ex-

ecutive Communications, Room 3309, FEA, before 4:30 p.m., e.s.t., Tuesday, March 16, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act Pub. L. 94-163; E.O., 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations, as appropriate, to reflect the FEA's findings on the above issues.

Issued in Washington, D.C., February 27, 1976.

DAVID G. WILSON,
Acting General Counsel
Federal Energy Administration.

[FR Doc.76-6108. Filed 2-27-76;3:34 pm]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Deletion of Obsolete Provisions

The Administrator of Veterans' Affairs proposes regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to delete certain provisions which were made obsolete by Pub. L. 94-71 (89 Stat. 395).

Pub. L. 94-71 increased monthly rates of dependency and indemnity compensation for widows, widowers and children effective August 1, 1975. Because of these increases the monthly rate of dependency and indemnity compensation payable to any of these claimants will always exceed the monthly rate of death compensation payable in the case. Section 416 of Title 38, United States Code, provides that a person receiving or entitled to receive death compensation may elect to receive dependency and indemnity compensation. The deleted regulatory provisions pertain to these elections and were based on the fact that under certain circumstances the death compensation rate payable could exceed the dependency and indemnity compensation rate payable to a widow (widower) and/or children. Since this is no longer true the provisions are obsolete.

Paragraph (c)(3)(i) and (iii) of § 3.400 of Title 38, Code of Federal Regulations, provides that the effective date of an award of dependency and indemnity compensation based on an election will be the date of receipt of the election or the date dependency and indemnity compensation becomes the greater benefit if the election is filed within 120 days before that date. Since the current rates of dependency and indemnity compensation exceed the death compensation rates this latter provision is deleted.

Section 3.658 of Title 38, Code of Federal Regulations, provides for offset of prior payments when dependency and indemnity compensation is awarded over a period for which benefits under other laws have been made. Paragraph (b) of the section is revoked. This paragraph provided that a retroactive award to a child over age 18 will be subject to offset where the widow (widower) has received death compensation on behalf of the child at a higher rate than the dependency and indemnity compensation payable to the widow (widower) over the same period. Since the rate payable to the widow (widower) will always exceed the death compensation paid, this provision was obsolete. A new paragraph (b) is substituted to provide for offset of prior payments when a widow or widower elects and is awarded dependency and indemnity compensation based on the death of one spouse and has been paid death benefits for the same period based on the death of another spouse. An obsolete reference to "servicemen's indemnity" has been deleted from the former paragraph (a) which is retained.

Section 3.702 of Title 38, Code of Federal Regulations specifies conditions under which persons who are eligible for or receiving death compensation may elect dependency and indemnity compensation. Paragraph (a) is amended to delete a provision that dependency and indemnity compensation may be authorized as of the date of entitlement if the claim is filed within 120 days before that date. This provision was applicable in cases where the current payments of death compensation exceeded the dependency and indemnity compensation payable in the case but dependency and indemnity compensation would become the greater benefit at a future date because of a change in dependency status. Paragraph (b) is amended to delete the reference to the provisions of § 3.461 in connection with awards to children over age 18. This section of the regulations pertains to apportionments of dependency and indemnity compensation and apportionments are no longer involved in awards of dependency and indemnity compensation to children over age 18.

A minor editorial change is made in § 3.656(d) to delete the reference to Indian War pension since the last known Indian War veteran died June 18, 1973. Minor editorial changes are made in § 3.659(b) to reflect agency policy to use specific terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before April 2, 1976, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments to §§ 3.400 and 3.702 would be effective August 1, 1975, the effective date of Pub. L. 94-71. The amendments to §§ 3.656, 3.658 and 3.659 would be effective the date of final approval.

1. In § 3.400, paragraph (c)(3)(i) and (iii) is revised to read as follows:

§ 3.400 General.

* * * * *

(c) *Death benefits.* * * *

(3) *Dependency and indemnity compensation*—(i) *Deaths prior to January 1, 1957 (§ 3.702).* Date of receipt of election.

* * * * *

(iii) *Deaths on or after May 1, 1957 (in-service waiver cases; §§ 3.5(b)(3) and 3.702).* Date of receipt of election.

* * * * *

2. In § 3.656, paragraph (d) is revised to read as follows:

§ 3.656 Disappearance of veteran.

* * * * *

(d) When any veteran has disappeared for 90 days or more and his (or her) whereabouts remain unknown to members of his (or her) family and the Veterans Administration, any pension under Pub. L. 86-211 (73 Stat. 432) or Spanish-American War pension which the veteran was receiving or entitled to receive may be paid to or for the spouse or children. The status of the veteran at the time of disappearance, with respect to permanent and total disability, income and net worth will be presumed to continue unchanged. Payment for the wife (husband) or children will be effective the day following the date of last payment

to the veteran if a claim is received within 1 year after that date; otherwise from date of receipt of a claim. The total amount payable will be the lesser of these amounts:

(1) Death pension.

(2) Amount of pension payable to the veteran at the time of disappearance. (38 U.S.C. 507)

3. Section 3.658 is revised to read as follows:

§ 3.658 Offsets; dependency and indemnity compensation.

(a) When an award of dependency and indemnity compensation is made covering a period for which death compensation or benefits under the Federal Employee's Compensation Act, based on military service, have been paid to the same payee based on the same death, the award of dependency and indemnity compensation will be made subject to an offset of payments of death compensation or benefits under the Federal Employees' Compensation Act over the same period.

(b) When an award of dependency and indemnity compensation is made covering a period for which death benefits have been paid to the same payee based on the death of another spouse the award will be made subject to an offset of payments of death pension or compensation, or dependency and indemnity compensation over the same period in the case of the other spouse. (38 U.S.C. 103 (d)(2), 3104(b)(3))

4. In § 3.659, paragraph (b) is revised to read as follows:

§ 3.659 Two parents in same parental line.

* * * * *

(b) Any reduction or discontinuance of an award to the child or to a widow (widower) will be effective the day preceding the commencing date of death pension, compensation, or dependency and indemnity compensation or, under the circumstances described in § 3.707, the commencing date of dependents' educational assistance under 38 U.S.C. ch. 35, to or on account of the child based on the service of another parent in the same parental line. Any increase to a widow (widower) or another child will be effective the commencing date of the award to the child.

5. In § 3.702, paragraphs (a) and (b) are revised to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b)(2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. The claim of such a person for service-connected death benefits shall be considered a claim for dependency and indemnity compensation subject to confirmation by the claimant. The effective date of payment is controlled by the provisions of § 3.400(c)(3).

(b) *Effect on child's entitlement.* Where a widow or widower is entitled to death compensation, the amount of which is based in part on the existence of a child who has attained the age of 18 years, and elects to receive dependency and indemnity compensation, the independent award of dependency and indemnity compensation to which the child is entitled will be awarded to or for the child without separate election by or for the child. Should such a widow or widower not elect to receive dependency and indemnity compensation, the independent dependency and indemnity compensation to which a child who has attained 18 years of age is entitled, may be awarded upon application by or for the child. The effective date of award in these situations will be in accordance with § 3.400(c)(3)(ii).

* * * * *

Approved: February 26, 1976.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-6148 Filed 3-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

[Ex Parte No. 289]

COMMON CARRIERS OF PROPERTY BY RAIL

Remittance of Demurrage Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of February 1976.

This proceeding was instituted on our own motion pursuant to section 1(6) of the Interstate Commerce Act as well as other relevant sections of Part I of the Act for the expressed purposes of (1) creating an added incentive for the railroad car owner to acquire additional cars and (2) removing any inducement on the part of the non-owner railroad to encourage detention of foreign cars in order to benefit from collection of demurrage charges.

In the interim report, 349 I.C.C. 411 (1975) it was found that adoption of the following proposal was warranted in principle:

The non-owning railroad, on whose lines a car is being detained under demurrage, shall remit to the railroad car owner all demurrage charges collected in excess of $10 per car per day.

It was also determined that private car owners or lessees should participate, if the proposal is ultimately adopted, on an equal basis with carrier car owners. The proceeding was reopened for further evidence, with the principal focus on the costs, benefits, and feasibility of implementation of the proposal. Further statements, replies and motions have been received and are under active consideration.

Section 211 of Pub. L. 94-210, the Railroad Revitalization and Regulatory Reform Act of 1976, enacted February 5, 1976, 90 Stat. 31, amended the Interstate Commerce Act, as here relevant, by inserting at the end of section 1(6) the following new sentence which appears consistent with the announced purposes of this proceeding:

Demurrage charges shall be computed, and rules and regulations relating to such charges shall be established, in such a manner as to fulfill the national needs with respect to (a) freight car utilization and distribution, and (b) maintenance of an adequate freight car supply available for transportation of property.

In view of the fact that this proceeding was instituted pursuant to section 1(6) as well as other relevant sections of Part I of the Act prior to the addition of the new sentence, it appears appropriate to solicit the views of the parties and other interested persons, as to what effect, if any, the recent amendment of section 1(6) has on this proceeding.

Comments on the amendment to section 1(6) of the Act are due March 29, 1976. Persons not now parties to this proceeding may file their comments without the necessity of filing motions for leave to intervene. All parties and other interested persons desiring to comment on the effect of the amendment of section 1(6) are cautioned not to introduce evidence or arguments on issues unrelated to the new legislation.

It is ordered, That this notice be served upon all of the parties to this proceeding, and furnished to the general public by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board having jurisdiction over transportation in each State, and by depositing a copy of this notice and order in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6138 Filed 3-2-76;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.

PANAMA CANAL COMPANY

CANAL ZONE GOVERNMENT

Proposed Procedures for Consideration of Environmental Impact Statements

Pursuant to the National Environmental Policy Act of 1969 (NEPA) (P. L. 91–190, 42 U.S.C. 4321 *et seq.*), Executive Order 11514 of March 5, 1970 (35 FR 4247) and § 1500.3 of the guidelines issued by the Council on Economic Quality (CEQ) on August 1, 1973 (38 FR 20549), the Panama Canal Company and Canal Zone Government (hereinafter, the Canal agencies) are considering adoption of the following procedures for consideration of the environmental impact of actions by the two agencies required by section 102(2)(C) of NEPA.

Before taking final action to issue the proposed procedures, the Canal agencies will consider the timely comments of all interested parties. Comments should be submitted in writing to the Secretary, Panama Canal Company, 425 13th Street, N.W., Washington, D.C. 20004, or to the Secretary, Environmental Quality Committee, Panama Canal Company, Box M, Balboa Heights, Canal Zone. Comments received on or before April 19, 1976, will be considered before the procedures are finally adopted. All comments received in response to this notice will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Secretary, Panama Canal Company, 425 13th Street, N.W., Washington, D.C. 20004, or at the Office of the Executive Planning Staff, Panama Canal Company, Room 326, Administration Building, Balboa Heights, Canal Zone, during regular working hours, Monday through Friday, except Federal holidays.

Dated: February 25, 1976.

THOMAS M. CONSTANT,
Secretary, Panama Canal Company.

PROPOSED PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose.* This document provides guidelines for the preparation and handling of detailed environmental impact statements on proposals for legislation and other actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (NEPA) (Public Law 91–190).

2. *Cancellation.* The Control Policy for the Canal Agencies which was published at 37 FR 22669 on October 20, 1972, is cancelled.

3. *Background and authority.* a. The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of the Council on Environmental Quality (CEQ). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the U.S. shall be interpreted and administered in accordance with those policies and goals. Additionally, NEPA provides that environmental consideration shall be given appropriate weight in the decision making process, along with economic and technical considerations.

b. Section 102(2)(c) of NEPA is designed to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. This section requires that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

c. Section 102(2)(c) of NEPA provides that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

d. Executive Order 11514, dated March 5, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

e. Guidelines from the President's Council on Environmental Quality, published in 38 FR 20549, 40 CFR 1500 et seq., 1 August 1973, provide guidance to agencies for prepration of environmental impact statements.

4. *Point of contact.* The point of contact for coordination of Canal agencies environmental matters is the Environmental Quality Committee.

5. *Applicability.* a. The requirements in this document calling for either a determination that a statement is not needed, or for statement preparation pursuant to section 102(2)(C) of NEPA apply to, but are not limited to, the following, except as noted below: all contracts, purchases, leases, construction, rulemaking, and regulatory actions, permits, plans, legislative proposals where the Canal agencies have primary responsibility for the subject matter involved, directives, program proposals, and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are:

(1) Administrative procurements (e.g., general supplies) and contracts for personnel services;

(2) Normal personnel actions (e.g., promotions, hirings);

(3) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(4) Legislative proposals relating to matters not the primary responsibility of the Canal agencies;

(5) Reports to Congress setting forth policy recommendations to be followed by legislation proposals.

b. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar.

6. *Definition and guidelines.* Enclosure (1) sets forth more specfic definitions of terms used in these guidelines.

7. *Preparation and processing of environmental impact statements.* The initial review of possible environmental impacts of proposed activities should be undertaken concurrently with initial technical and economic studies. If this review indicates that an activity may have some environmental impact, then an environmental assessment should be prepared. An environmental assessment is a preliminary environmental study which should be used to determine if the proposed action will significantly affect the environment. If the assessment indicates a likelihood that the environment may be significantly affected, an environmental impact statement in accordance

with NEPA should be prepared. Enclosure (5) contains instructions for preparing an environmental assessment and enclosure (3) sets forth instructions for preparation and processing of the environmental impact statement.

8. *Action.* Although specific action assignments are listed in this paragraph, the entire expertise and experience of all Canal agencies facilities should be utilized to assure a systematic and interdisciplinary approach in implementing NEPA.

a. General internal controls shall be established by all bureau and independent unit heads to assure that all proposals originating in their areas of responsibility which have the likelihood that the environment may be affected are:

(1) Identified by an initial review process at the earliest stage in the planning process.

(2) Analyzed in an environmental assessment in accordance with enclosure (5), which is to be submitted to the Environmental Quality Committee for determination of need for environmental impact statement preparation.

b. The Chairman, Environmental Quality Committee, shall:

(1) Coordinate with other divisions and offices within the Canal agencies all significant environmental related matters in order that an effective point of contact and sources of information will exist to respond to environmental matters either internally or externally.

(2) Receive and review environmental assessments prepared by bureaus and independent units, and determine from them if environmental statements are required.

(3) Assign to appropriate bureaus or independent units the task of preparing draft and final environmental statements in accordance with enclosure (3); and receive these draft and final statements for appropriate processing.

(4) Coordinate and establish liaison with Federal and local agencies and with the public for the purpose of receiving comments on Canal agencies draft environmental impact statements.

(5) Transmit draft environmental impact statements and copies of all comments made thereon to CEQ and to all other parties which furnished comments or requested copies.

(6) Coordinate the review of Canal agencies draft environmental impact statements with all Federal and local agencies concerned and with the public, including public hearings.

(7) Maintain and transmit to CEQ quarterly a current list of all administrative actions for which environmental statements are being prepared. This list shall be made available for public inspection on request.

(8) Transmit final environmental statements to CEQ and to other parties which furnish comments on, or requested copies, of the draft statements.

(9) Provide procedural support in the preparation and review of environmental impact statements.

(10) Maintain file copies of all environmental impact statements prepared by the Canal agencies.

(11) Maintain mailing lists of parties interested in Canal agencies environmental impact statements in accordance with enclosure (3).

c. Heads of bureaus and independent units shall:

(1) Prepare, according to enclosure (3) those draft and final environmental impact statements assigned to them by the Environmental Quality Committee, and transmit them to the Environmental Quality Committee for further processing.

(2) Assist the EQC with technical advice and information and other aid as required in the processing of environmental statements prepared by them.

(3) Furnish consultation and information to other bureaus and units as requested to assist in the preparation of their respective environmental reviews, assessments, and draft and final environmental impact statements.

d. Citizen involvement: Citizen involvement in environmental matters at each pertinent stage of the development of the proposed action is encouraged. Formal and informal citizen input should be sought as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. See enclosure (3).

DEFINITIONS AND GUIDELINES

1. *General.* When there is doubt whether or not to prepare a statement, it should be prepared. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions, including related Federal actions and projects in the area, can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. The Council on Environmental Quality, on the basis of a written assessment of the impacts involved, is available to assist agencies in determining whether specific actions require impact statements.

2. *Actions affected.* a. The environmental impact of any action must be considered.

b. All legislative proposals require either environmental statements or negative determinations.

c. Any other major action which "significantly affects" the environment requires an environmental statement.

d. Any other action which does not affect the environment requires neither an environmental statement nor a negative determination.

3. *"Major".* Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared.

4. *"Federal actions".* This term includes the entire range of activity undertaken by the Canal agencies. Actions include but are not limited to:

a. Programs, projects and administrative activities, such as:

(1) Rulemaking and regulations.

(2) Construction of and operation of facilities.

(3) Waste disposal.

(4) Transportation of dangerous or contaminated commodities.

(5) Development of plans.

b. Permits, licenses, certifications, approvals, leases, or any entitlements for use.

5. *"Significantly affecting" environment.* Any of the following actions should ordinarily be considered as significantly affecting the quality of the human environment:

(1) Any action that is likely to be highly controversial on environmental grounds.

(2) Any action that is likely to have a significantly adverse impact on natural, ecological, cultural or scenic resources of national or local significance.

(3) Any action that (a) divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes increased congestion; or

(4) Any action which (a) involves inconsistency with any national, or local standard relating to the environment; (b) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; (c) involves a possibility of contamination of a public water supply system; or (d) affects ground water, flooding, erosion or sedimentation.

FORM AND CONTENT OF SECTION 102(2)(C) STATEMENT

A. *Form.* 1. Each statement will be headed as follows:

Panama Canal Company and Canal Zone Government Environmental impact statement; (followed by a descriptive name or title of the proposed action).

2. Each statement shall be labeled draft or final as appropriate.

3. The cover sheet of each statement shall be followed by a Summary Sheet in the form or and containing sections corresponding to the following pattern:

SUMMARY SHEET

TITLE OF PROPOSED ACTION

Check one: ( ) Draft, ( ) Final Environmental Statement.

Responsible Office: Environmental Quality Committee, Panama Canal Company, Balboa Heights, Canal Zone.

(1) Name of action (check one) ( ) Administrative Act. ( ) Legislative Action.

(2) Description of action.

(3) Summary of environmental impacts and adverse environmental effects.

(4) Alternatives considered.

(5) a. (For draft Statements.) List all Federal and local agencies and other parties from which comments have been requested.

b. (For final statements.) List all Federal and local agencies and other parities from which written comments have been received.

(6) Date draft statement (and final environmental statement, if one has been issued) made available to the Council on Environmental Quality and the public.

4. Each statement will, as a minimum, contain sections corresponding to paragraphs B.1 below, appropriately headed, supplemented as necessary to cover other matters provided in this enclosure.

B. *Content.* The following provisions are intended to provide guidance on the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors:

1. *General.* The following points are to be covered:

a. A description of the proposed action and of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statements should also succinctly describe the environment of the area affected as it exists prior to a proposed action. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental assessments, site visits should be made where feasible. The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph B.1.c.(2)). In discussing these population aspects, it is essential that the sources of data used be identified.

b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives of affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

c. The probable impact of the proposed action on the environment.

(1) This requires assessment of the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in enclosure 6. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary, as well as primary consequences for the environment should be included in the analysis. Secondary effects, through, for example, their impacts on existing community facilities and activities and through inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made of their effects on changes in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

d. Alternatives to the proposed action, including where relevant, those not within the existing authority of the responsible agency. Section 102(2)(D) of the Act requires the responsible agency to study, develop, and describe appropriate alternatives to recommended sources of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, low capital intensive improvements, alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to permit comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative, provided, however, that where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

e. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, traffic congestion, threats to health, or other consequences, adverse to the environmental goals set out in section 101(b) of the Act.) This should be a brief section summarizing in one place those effects discussed in paragraph c(1) that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other adverse effects discussed in paragraph c(1) will be mitigrated.

f. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa. In this context short term and long term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

g. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should 't be implemented. This requires identification of unavoidable impacts in paragraph 1 (e) and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

h. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (c) and (e) of this paragr T pa.heheopuehparga ee—net paragraph. The statement should also indicate the extent to which these stated counervailing benefits could be realized by following reasonable alternatievs to the proposed actions (as identified in subparagraph (d) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, agencies that prepare cost-benefit analyses of proposed actions should attach such analyses, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

i. A discussion of problems and objections raised by other Federal agencies and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added at the end of the review process in the final text of the environmental statement).

(1) The draft and final statements should document issues raised through consultations with Federal and local agencies with jurisdiction of special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them through further consultations should be identified in the final statement. Where major unresolved conflicts are involved, the final statement should reflect that the commenter was consulted again and agreement sought. Where the Environmental Protection Agency (EPA) rates an action or statement "3", "ER", or "EU", the final statement should reflect that EPA was consulted in an effort to resolve the basis for the rating and the action taken.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and its alternatives in the draft statement itself. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views and a meaningful reference made in the final statement to the existence of responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

j. Draft statements should indicate at appropriate points in the text, underlying studies, reports, and other information obtained and considered in preparing the statement including any cost-benefit analyses prepared by the agency. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference. Every effort should be made to convey the required information succinictly in a form easily understood, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement.

2. *Properties and sites of historic archeological or cultural significance.* Because of its geographical location, the "cultural resources" of the Canal Zone are not within the normal legal, inventory and review channels of Federal agencies within the United States. However, environmental effects of a proposed action on properties and sites of historic, archeological or cultural signif-

icance will be considered in the environmental impact statement, and the services of experts will be obtained in all appropriate cases in assessing impact and considering alternatives relating to cultural resources affected.

3. *Impacts of the proposed action on the human environment involving community disruption and relocation.* In the event that the project, proposal or action involves community disruption and relocation, the following additional information must be included in the environmental statement.

The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available:

a. An estimate of the households to be displaced.

b. Impact on the human environment of an action which divides or designates an established community, including, where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

c. Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doublings up).

d. A definition of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

4. *Considerations relating to pedestrians and bicyclists.* Where appropriate, the statement should discuss impact on pedestrian access and movement to, across, along, and between transportation facilities, including sidewalks, overpasses, pedestrian activated signals, and other factors. Impacts on use of areas by pedestrians and bicycles should be discussed, particularly in medium and high density commercial and residential areas.

5. *Other social impacts.* The general social groups specially harmed by the proposed action should be identified in the statement, including the following:

a. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

b. Measures for enhancing access to these facilities as well as reducing inhibitions.

c. Transportation services available through or precluded by the proposal.

6. *Considerations relating to wetlands or coastal zones.* Where wetlands or coastal zones are involved, the statement should include:

a. Infromation on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. Information on the present and future uses of such wetlands areas both by people and by the wildlife inhabitting these areas.

c. An assessment of the impact resulting from both construction and from operation of the project on the wetlands and associated wildlife.

d. Consideration of the potential of the project to enhance or restore the wetlands in the area of the project.

e. A statement by responsible officials with special expertise, setting forth their views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the area, and recommendations as to whether the proposed action should proceed, and if applicable, along what alternative route.

7. *Construction impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:

a. Noise impacts from construction and any specifications providing maximum noise levels.

b. Disposal of spoil (includes any specifications).

c. Measures to minimize effects on traffic and pedestrians.

8. *Land use.* The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, and development patterns.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities.

c. The comments of agencies that would provide these facilities.

Preparation and Processing of Section 102(2) (C) Statements

1. *Citizen involvement procedures.* Citizen involvement in environmental aspects of Canal agencies actions is encouraged at each pertinent stage of the development of the proposed action. Formal and informal citizen input should be encouraged as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. Interested parties include communtiy, environmental or conservation organizations or individuals affected by or known to have an interest in, or who can speak knowingly of the environmental impact of the proposed action. Lists of interested parties should be developed. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as action taken. A summary of the process and any environmental issues raised should be documented in the environmental statement.

a. Early notification of preparation of environmental impact statements should be sent to interested parties and may be sent to Federal, or local agencies to solicit comments that may be helpful in preparing the draft statement.

b. Copies of the draft environmental impact statement should be sent to interested parties. The availability of the statement should be made known to appropriate interested parties, advertised in local papers, etc.

c. Hearings.

(1) For any action involving a public hearing, the draft statement or environmental analysis should be made available to the public at least 30 days prior to the hearing. The notice of the hearing should indicate availability of the statement for analysis. Where feasible, comments of public agencies should be made available to the public prior to the public hearing.

(2) Even where not required, a hearing may help resolve environmental conflicts. In deciding whether a public hearing is appropriate, an agency should consider:

(a) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved.

(b) The degrees of interest in the proposal, as evidenced by requests from the public and from Federal, and local authorities that a hearing be held.

(c) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(3) Notification of the hearing should announce availability of detailed information on environmental impacts through newspaper articles, direct notification to interested parties and clearinghouses, etc.

d. Informal meetings and direct contacts with interested parties should be held early in the development process to provide the opportunity for mutual exchange of information. The objective of these actions should be to include as many of the residents and others as possible in discussion to identify community leaders, and to seek their recommendations.

2. *Planning stage.* Initial assessment of environmental impacts of proposed activities should be undertaken concurrently with initial technical and economic studies.

3. *Scope of statement.* The scope of the action covered by the statement should avoid "piecemealing" and be sufficiently broad so that alternatives to the proposed action can be meaningfully evaluated. Actions covered should have independent significance, and stand on their own. In certain circumstances, broad program statements will be required in order to assess the environmental effects of a number of actions in a geographical area, or environmental impacts that are generic or common to a series of actions, or the overall impact of a chain of contemplated projects.

4. *Applications.* Each applicant for a license, permit, or other Canal agencies approval, if appropriate, will be requested to submit together with the original application, an environmental analysis of the proposed project which would be utilized in the preparation of an environmental assessment or draft statement by the Canal agencies.

(a) In such event, the Canal agencies should assist the applicant by outlining the types of information required.

(b) In all cases, the Canal agencies should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(c) The applicant should be notified by the responsible officer that further actions prior to the approval of the application must not adversely affect the environment.

5. *Actions originating within the Canal agencies.* In the case of proposals originating within the Canal agencies for an action to which this document is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement.

6. *Use of consultants.* Consultants may be utilized to prepare background or preliminary material for use in a draft or final environmental statement for which the Canal agencies take responsibility. Selection of consultants and work by consultants who may expect further contracts based on the outcome of the environmental decision should be carefully reviewed to insure complete and objective consideration of all relevant project impacts and alternatives.

7. *Lead agency.* Where more than one agency directly sponsors an action, or is directly involved through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should serve as the means of compliance with section 102(2)(C) for all Federal actions involved. The Canal agencies, in such cases, should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. For projects primarily involving land owned by or under the jurisdiction of another Federal agency, the owner agency may be appropriate to be the designated lead agency. Joint preparation of environmental statements is encouraged, when appropriate.

8. *Interdisciplinary approach.* The 102(2)(C) statement should reflect the utilization of a "systematic, interdisciplinary approach" as required by section 102(2)(A) of NEPA. The interdisciplinary approach should include appropriate disciplines to assure that environmental impacts are described in detail in the statement. This is to be carried out by relevant disciplines represented on staff, or when this is not feasible, by appropriate use of relevant Federal, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

9. *Legislative proposals.* Before the Canal agencies make a favorable report on proposed legislation involving matters for which they are primarily responsible or propose draft legislation to the Congress, the office which develops the Canal agencies position on the report or originates legislation (hereinafter the "action office") shall prepare an enviromental statement or negative determination. The final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text. Negative determination may be forwarded to Congress if requested.

10. *Draft of statement.* Draft statements shall be prepared at the earliest practical point in time, prior to the first significant point of decision in the review process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decisionmaking process.

11. *Processing of environmental statements.* On actions requiring a 102(2)(C) statement, except for those relating to legislative proposals, the Canal agencies shall circulate for comment the draft environmental statement to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the CEQ (ten copies). For action within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the proposals shall be referred to EPA for review and comment. A time period for comment may be specified, but not less than 45 days from the date of publication in the Federal Register of the CEQ listing notifying the public of issuance of the impact statement. An extension of time, if possible, when requested, shall be allowed. Where comments of agencies have been obtained, comments need not be solicited again from the same agencies, unless there are pertinent changes in the project proposal.

a. *Federal review.* Enclosure (6) is a list of Federal agencies with special expertise or jurisdiction by law with respect to environmental impacts, to whom the draft statement should be referred, as appropriate, for comment.

b. *Local review.* (1) Where review of the proposed action by local agencies is relevant, such local review shall be provided for as follows:

Where review of direct Federal development projects takes place prior to preparation of an environment statement, comment on the environmental effects of the proposed project are inputs to the environment statement. These comments should be attached to the draft statement when it is circulated for review and copies of the draft sent to those who commented.

(2) Environmental statements on legislative proposals are not subject to local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

12. *Utilization of comments.* Comments received under Federal, and local review and inputs from the process of citizen participation shall accompany the draft environmental statement through the normal internal project or program review process.

13. *Final statements.* Draft statements shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations, before being put into final form for approval of the responsible official. All final environmental impact statements will be reviewed or legal sufficiency by the General Counsel.

14. *Public Review.* These procedures are designed to encourage public participation in the impact statement process at the earliest possible time.

15. *Availability of statements to the President, the CEQ, and the public.* After approval, the Environmental Quality Committee is responsible for transmitting 10 copies of each final statement to the CEQ, which transmittal shall be deemed transmittal to the President. Draft and final statement should be made available in offices of preparing agencies. Copies of final statements, with comments attached, should be sent to all Federal, and local agencies and private organizations who commented on the draft statement or requested copies of the final statement and to individuals who commented on the draft statement and to individuals who requested copies of the final statement. If the number of statements requested makes distribution inappropriate, CEQ shall consider an alternative arrangement. Materials to be made available to the public shall be provided without charge to the extent practical, or at a fee which is not more than actual cost of reproducing copies to be sent to other Federal agencies.

16. *Timing of agency decision.* To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines. Neither should such administrative action be taken sooner than 30 days after the final approved text of an environmental statement (together with comments) has been made available to the CEQ and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap. The time periods are measured from the date of publication in the Federal Register of the weekly filing with the Council on Environmental Quality.

17. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provision of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, should consult with the Environmental Quality Committee CEQ about alternative arrangements.

Negative Determination

1. *General.* Any proposal for an action to which this document is applicable will include either a statement as required by section 102(2)(c) of the NEPA or a determination that the proposed action will not have a significant impact on the environment. Negative determinations are made by the Environmental Quality Committee on the basis of information provided through the environmental review process, including the initital review and the environmental assessment (see Enclosure 5). Negative determination need not be considered outside the originating agency, but should be made available to the public upon request. Negative determination should be supported by sufficent documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear. However, if the Canal agencies decide that an environmental statement is not necessary for a proposed action.

(a) which has been identified as normally requiring preparation of a statement,

(b) which is similar to actions for which a statement has been prepared,

(c) which has been previously announced to be the subject of a statement, or

(d) for which a negative determination has been made in response to a request from CEQ, the Canal agencies shall prepare a publicly available record briefly setting forth

the agency's decision and the reasons for that determination. Lists of such negative determinations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided for lists of statements under preparation.

ENVIRONMENTAL ASSESSMENT

1 *General.* An environmental assessment should be used to determine if the proposed action will significantly affect the environment. All of the areas in paragraph 2 must be covered; however, the depth of coverage should be consistent with the magnitude of the project.

2. *Content of the environmental assessment.* The following points shall be included in the environmental assessment.

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact.

(2) The relationship of the proposed action to land use, plans, policies, and controls for the affected area.

(3) The probable impact of the proposed action on the environment.

(4) Alternatives to the proposed action including, where relevant, those not within the existing authority of the Canal agencies.

(5) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution).

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON[1]

AIR

Air Quality.
Department of Agriculture-Forest Service (effects on vegetation).
Atomic Energy Commission (radioactive substances).
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Department of the Interior:
- Bureau of Mines (fossil and gaseous fuel combustion).
- Bureau of Sport Fisheries and Wildlife (effect on wildlife).
- Bureau of Outdoor Recreation (effect on recreation).
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).

National Aeronautics and Space Administration (remote sensing aircraft emissions).
Department of Transportation:
- Assistant Secretary for Systems Development and Technology (auto emissions).
- Coast Guard (vessel emissions).
- Federal Aviation Administration (aircraft emissions).

[1] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

WEATHER MODIFICATIONS

Department of Agriculture-Forest Service.
Department of Commerce-National Oceanic and Atmospheric Administration.
Department of Defense—Department of the Air Force.
Department of the Interior—Bureau of Reclamation.
Water Resources Council.

WATER

Water Quality.
Department of Agriculture:
- Soil Conservation Service.
- Forest Service.

Atomic Energy Commission (radioactive substances).
Department of the Interior:
- Bureau of Reclamation.
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Geological Survey.
- Office of Saline Water.

Environmental Protection Agency.
Department of Health, Education, and Welfare.
Department of Defense:
- Army Corps of Engineers.
- Department of the Navy (ship pollution control).

National Aeronautics and Space Administration (remote sensing).
Department of Transportation—Coast Guard (oil spills, ship sanitation).
Water Resources Council.
River Basin Commissions (as geographically appropriate).
Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation.
Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Defense:
- Army Corps of Engineers.
- Office of the Oceanographer of the Navy.

Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Bureau of Land Management (outer continental shelf).
- Geological Survey (outer continental shelf).

Department of Transportation—Coast Guard.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
Water Resources Council.
River Basin Commissions (as geographically appropriate).
Water Regulation and Stream Modification.
Department of Agriculture—Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of the Interior:
- Bureau of Reclamation.
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.
- Geological Survey.

Department of Transportation—Coast Guard.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
Water Resources Council.
River Basin Commissions (as geographically appropriate).

FISH AND WILDLIFE

Department of Agriculture:
- Forest Service.
- Soil Conservation Service.

Department of Commerce—National Oceanic and Atmospheric Administration (marine species).
Department of the Interior:
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Outdoor Recreation.

Environmental Protection Agency.
Atomic Energy Commission (radioactive waste).
Department of Defense—Army Corps of Engineers.
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling).
- Bureau of Land Management (public lands).
- Bureau of Indian Affairs (Indian lands).
- Geological Survey (geologic and hydrologic effects).
- Office of Saline Water (demineralization).

Department of Transportation—Coast Guard ship sanitation).
Environmental Protection Agency.
River Basin Commissions (as geographically appropriate).
Water Resources Council.

NOISE

Department of Commerce—National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development (land use and building materials aspects).
Department of Labor—Occupational Safety and Health Administration.
Department of Transportation:
- Assistant Secretary for Systems Development and Technology.
- Federal Aviation Administration, Office of Noise Abatement.

Environmental Protection Agency.
National Aeronautics and Space Administration.

RADIATION

Atomic Energy Commission.
Department of Commerce–National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of the Interior:
- Bureau of Mines (uranium mines).
- Mining Enforcement and Safety Administration (uranium mines).

Environmental Protection Agency.

HAZARDOUS SUBSTANCES

Toxic Materials.
Atomic Energy Commission (radioactive substances).
Department of Agriculture:
- Agricultural Research Service.
- Consumer and Marketing Service.

Department of Commerce–National Oceanic and Atmospheric Administration.
Department of Defense.
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Department of Commerce—National Oceanic and Atmospheric Administration (coastal areas).
Department of Defense—Army Corps of Engineers.
Department of Housing and Urban Development (urban and floodplain areas).
Department of the Interior:
- Office of Land Use and Water Planning.
- Bureau of Outdoor Recreation.
- Bureau of Reclamation.
- Bureau of Sport Fisheries and Wildlife.
- Bureau of Land Management.
- Geological Survey.

Environmental Protection Agency (pollution effects).
National Aeronautics and Space Administration (remote sensing).
River Basins Commissions (as geographically appropriate).
Water Resources Council.
Land Use in Coastal Areas.
Department of Agriculture:
Forest Service.
Soil Conservation Service (soil stability, hydrology).
Department of Commerce—National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management).
Department of Defense—Army Corps of Engineers (beaches, dredge and fill permit, Refuge Act permits).
Department of Housing and Urban Development (urban areas).
Department of the Interior:
Office of Land Use and Water Planning.
Bureau of Sport Fisheries and Wildlife.
National Park Service.
Geological Survey.
Bureau of Outdoor Recreation.
Bureau of Land Management (public lands).
Department of Transportation—Coast Guard (bridges, navigation).
Environmental Protection Agency (pollution effects).
National Aeronautics and Space Administration (remote sensing).
Redevelopment and Construction in Built-Up Areas.
Department of Commerce—Economic Development Administration (designated areas).
Department of Housing and Urban Development.
Department of the Interior—Office of Land Use and Water Planning.
Department of Transportation.
Environmental Protection Agency.
General Services Administration.
Office of Economic Opportunity.
Density and Congestion Mitigation.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior:
Office of Land Use and Water Planning.
Bureau of Outdoor Recreation.
Department of Transportation.
Environmental Protection Agency.
Food Additives and Contamination of Foodstuffs.
Department of Agriculture—Consumer and Marketing Service (meat and poultry products).
Department of Health, Education, and Welfare.
Environmental Protection Agency.
Pesticides.
Department of Agriculture:
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare.
Department of the Interior:
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects).
Bureau of Land Management (public lands).
Bureau of Indian Affairs (Indian lands).
Bureau of Reclamation (irrigated lands).
Environmental Protection Agency.
Transportation and Handling of Hazardous Materials.
Atomic Energy Commission (radioactive substances).
Department of Commerce:
Maritime Administration.
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone).
Department of Defense:
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Transportation:
Federal Highway Administration, Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency:

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation and Transmission, and Use.
Atomic Energy Commission (nuclear).
Department of Agriculture—Rural Electrification Administration (rural areas).
Department of Defense—Army Corps of Engineers (hydro).
Department of Health, Education, and Welfare (radiation effects).
Department of Housing and Urban Development (urban areas).
Department of the Interior:
Bureau of Indian Affairs (Indian lands).
Bureau of Land Management (public lands).
Bureau of Reclamation.
Power Marketing Administrations.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
National Park Service.
Environmental Protection Agency.
Federal Power Commission (hydro, transmission, and supply).
River Basin Commissions (as geographically appropriate).
Tennessee Valley Authority.
Water Resources Council.
Petroleum Development, Extraction, Refining, Transport, and Use.
Department of the Interior:
Office of Oil and Gas.
Bureau of Mines.
Geological Survey.
Bureau of Land Management (public lands and outer continental shelf).
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Outdoor Recreation.
National Park Service.
Department of Transportation (Transport and Pipeline Safety).
Environmental Protection Agency.
Interstate Commerce Commission.
Natural Gas Development, Production, Transmission, and Use.
Department of Housing and Urban Development (urban areas).
Department of the Interior:
Office of Oil and Gas.
Geological Survey.
Bureau of Mines.
Bureau of Land Management (public lands).
Bureau of Indian Affairs (Indian lands).
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
National Park Service.
Department of Transportation (transport and safety).
Environmental Protection Agency.
Federal Power Commission (production, transmission, and supply).
Interstate Commerce Commission.
Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use.
Appalachian Regional Commission.
Department of Agriculture—Forest Service.
Department of Commerce.
Department of the Interior:
Office of Coal Research.
Mining Enforcement and Safety Administration.
Bureau of Mines.
Geological Survey.
Bureau of Indian Affairs (Indian lands).
Bureau of Land Management (public lands).
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
National Park Service.
Department of Labor—Occupational Safety and Health Administration.
Department of Transportation.
Environmental Protection Agency.
Interstate Commerce Commission.
Tennessee Valley Authority.
Renewable Resource Development, Production, Management, Harvest, Transport, and Use.
Department of Agriculture:
Forest Service.
Soil Conservation Service.
Department of Housing and Urban Development (building materials).
Department of the Interior:
Geological Survey.
Bureau of Land Management (public lands).
Bureau of Indian Affairs (Indian lands).
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Neighborhood Character and Continuity.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
National Endowment for the Arts.
Office of Economic Opportunity.
Impacts on Low-Income Populations.
Department of Commerce—Economic Development Administration (designated areas).
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Office of Economic Opportunity.
Historic, Architectural, and Archeological Preservation.
Advisory Council on Historic Preservation.
Department of Housing and Urban Development.
Department of the Interior:
National Park Service.
Bureau of Land Management (public lands).
Bureau of Indian Affairs (Indian lands).
General Services Administration.
National Endowment for the Arts.

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture.
Soil Conservation Service.
Agricultural Service.
Forest Service.
Department of Commerce—National Oceanic and Atmospheric Administration.
Department of Defense—Army Corps of Engineers (dredging, aquatic plants).
Department of Health, Education, and Welfare.
Department of the Interior:
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).

River Basin Commissions (as geographically appropriate).
Water Resources Council.
Outdoor Recreation.
Department of Agriculture—Forest Service
Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).
Department of the Interior:
Bureau of land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Indian Affairs.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
River Basin Commissions (as geographically appropriate).
Water Resources Council.

[FR Doc.76-6009 Filed 3-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 498-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 16, 1976 and January 31, 1976.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

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.

Appendix IV 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.

Appendix V 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.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit, (PM-213), 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 23, 1976.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-G65011-LA	North Catahoula and South Winn Unit of Kisatchie National Forest, Grant and Winn Parishes, La.	LO-2	G
D-AFS-J65032-MT	Lower West Fork Planning Unit, Bitterroot National Forest, Ravalli County, Mont.	LO-2	I
D-REA-G07004-OK	Anadarko Combined Cycle Unit for Western Farmers Electric Cooperative, Anadarko, Okla.	LO-1	G
D-SCS-D36013-VA	Bush River Watershed, Prince Edward County, Va.	LO-2	D
D-SCS-D36015-PA	Neshaminy Creek Watershed, Bucks and Montgomery Counties, Pa.	LO-2	D
D-SCS-G36037-LA	Bayou Grosse Tete Watershed, Pointe Coupee Parish, La.	LO-1	G
D-SCS-G36039-LA	Choctaw Bayou Watershed, West Baton Rouge, Pointe Coupee and Iberville Parishes, La.	LO-2	G
Corps of Engineers:			
D-COE-C36019-NJ	Flood Control Project for Pine Brook, Manalapan Township, Borough of Englishtown, Monmouth County, N.J.	ER-2	C
D-COE-D90000-VA	Hampton Road Energy Co., Portsmouth Refinery & Terminal, Portsmouth, Va.	3	D
D-COE-E34003-00	Dale Hollow Lake, Operation and Maintenance, Obey River, Tennessee and Kentucky.	LO-2	E
D-COE-G34017-NM	Operation and Maintenance, Abiquiu Dam, Rio Chama, N. Mex.	LO-2	G
D-COE-G36033-OK	Arcadia Lake, Deep Fork River, Okla.	3	G
D-COE-G36034-OK	Joe Creek Local Protection Project, Tulsa County, Okla.	LO-1	G
D-COE-G36036-TX	Carl L. Estes Lake, Sabine River, Tex.	LO-1	G
D-COE-H07001-KS	Nearman Creek Steam-Electric Generating Station, Wyandotte County, Kans.	EU-2	H
D-COE-H32001-MO	Rail to Barge Coal Transfer Facility, St. Louis, Mo.	ER-2	H
D-COE-H36021-MO	Elsberry Agricultural Area No. 8 Flood Protection, Lincoln and Pike Counties, Mo.	ER-2	H
D-COE-J34001-CO	Operation and Maintenance, John Martin Dam and Reservoir Project, Arkansas River, Colo.	LO-1	I
Federal Maritime Commission:			
D-FMC-A53039-00	Investigation of the Transportation of Containerized Cargoes, Council of North Atlantic Shipping vs. American Mail Lines, Docket No. 73-38.	LO-2	A
Federal Power Commission:			
D-FPC-A03063-00	Alaska Natural Gas Transportation System	3	A
General Services Administration:			
D-GSA-G81007-TX	Extension, Replacement, and Improvements, Federal Center, Fort Worth, Tarrant County, Tex.	LO-1	G
Department of Housing and Urban Development:			
D-HUD-C85007-PR	Estancias de Rio Hondo Development, Bayamon, P.R., Project No. 74-264.	ER-2	C
D-HUD-D80018-VA	Downtown-West Redevelopment Project, Norfolk, Va.	ER-2	D
D-HUD-E85010-FL	Lachalet Subdivision, planned Unit Development, Palm Beach County, Fla.	LO-2	E
D-HUD-H91001-NB	East Omaha Relocation and Land Development, Project C-2 (CDBG), Douglas County, Nebr.	LO-2	H
D-HUD-K61008-CA	Charles Wilson Regional Park (CDBG), Torrance, Los Angeles County, Calf.	LO-1	J
Nuclear Regulatory Commision:			
D-NRC-B06000-MA	Montague Nuclear Power Station, Units 1 and 2, Dockets Nos. 50-496 and 50-497, Montague, Franklin County, Mass.	LO-2	B
D-NCR-E06002-NC	William B. McGuire Nuclear Station, Units 1 and 2, Duke Power Co., Lake Norman, Mecklenburg County, N.C.	ER-2	E
Department of Transportation:			
D-FAA-G51002-LA	New General Aviation Airport, Baton Rouge, La.	LO-1	G
D-FAA-L51002-WA	Lopez Island Airport Improvements, Lopez Island, Wash.	LO-1	K
S-FHW-A41711-IN	St. Joe Rd. From Stellhorn to Evard Rd., Allen County, Ind.	LO-2	F
D-FHW-E40066-NC	U.S. 52, Welcome to Lexington, Davidson County, N.C.	LO-1	E
D-FHW-E40067-TN	TN-61, Oliver Springs Bypass, Roane and Anderson Counties, Tenn.	LO-2	E

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-F40043-MI	U.S. 131 From 19 Mile Rd. to North of Ashton, Lake Mecosta and Osceola Counties, Mich.	LO-2	F
D-FHW-G40044-TX	Proposed Relocation of TX-35 From Almeda-Genoa Rd., Houston to Spur 409, Alvin, Harris, and Brazoria Counties, Tex.	LO-1	G
D-FHW-G40045-TX	U.S. 90 From I-10, Harris County to TX-146, Liberty County, Tex.	LO-1	G
DS-FHW-H40041-MO	MO-71, South Midtown Freeway, Kansas City, Jackson County, Mo.	ER-2	H
D-FHW-H40042-IA	Freeway 518 and IA-92 Relocations, Washington and Johnson Counties, Iowa.	LO-2	H
D-FHW-H40043-NB	NB-63, Ashland, Saunders County, Nebr.	LO-2	H

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. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-J65007-MT	Hebgen Lake, Land Use Plan, Gallatin National Forest, Mont.	EPA generally had no objections to the project as proposed. However, EPA has requested additional information which would more fully respond to water quality questions raised during the review of the draft EIS.	I
Corps of Engineers:			
F-COE-A36215-OK	Shidler Lake, Salt Creek, Osage County, Okla.	EPA expressed continuing environmental reservations in the project and requested additional water quality data be prepared for EPA's review.	G
F-COE-A99089-CA	Foster City Development, Regulatory Permit Application, San Mateo County, Calif.	EPA expressed environmental reservations on the proposed project with respect to air quality. EPA suggested the Corps exercise positive measures to prevent deterioration of the air quality. Also EPA suggested the Corps consider the cumulative impact of this project in view of the recently proposed Redwood Shores and Mariners Island projects.	J
F-COE-C35004-NJ	Permit, Construction of Embankment and Other Facilities, Berry's Creek, Bergen County, N.J.	EPA generally had no objections to the project as proposed. However, EPA suggested the issuance of the Corps permit be conditioned to require the applicant to study, evaluate, report and implement measures to reduce use of automobiles for access and to increase and improve public transit services to and from the facility.	C

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-D35003-00	Albemarle and Chesapeake Canal and the Dismal Swamp Canal Route of the Atlantic Intercoastal Waterway, Dredging, Virginia and North Carolina.	EPA generally had no objections to the project as proposed.	D
F-COE-F32015-MI	Operation and Maintenance, Harbor Related Shoreline Erosion, Marquette and Presque Isle, Mich.	do	F
F-COE-K36009-CA	NAPA River Flood Control, Napa County, Calif.	do	J
Department of Housing and Urban Development:			
F-HUD-F85003-IN	Eagle Valley Farms, ASP 469, Marion County, Ind.	EPA generally had no objections to the proposed project. However, EPA recommended HUD control the discharge of storm water to Eagle Creek so as not to exceed its carrying capacity during flood flows.	F
F-HUD-F85005-IN	Sunblest Subdivision, Fishers, Hamilton County, Ind.	EPA generally had no objections to the project as proposed.	F
F-HUD-F89001-OH	City of Cleveland Demolition (CDBG), Cleveland, Ohio (HUD-R05).	Although EPA's comments on the draft EIS expressed no major environmental objection to the proposed project, EPA's review of the final EIS's indicated the statement to be unresponsive to its comments on solid waste disposal and noise impacts. EPA expressed a continuing interest in reviewing additional information regarding those areas of concern.	F
F-HUD-K80002-CA.	Los Angeles Harbor Industrial Center Redevelopment Project, Wilmington, Los Angeles, Calif.	EPA has determined that it cannot make any determination of the environmental impact of the proposed action due to an inadequately prepared final EIS. The EIS had been prepared so early that the plan of the project remains too hazy to allow quantification or evaluation of air quality impact. EPA suggests that future actions in the area provide for the development of interim selection criteria consistent with the air quality maintenance planning effort in the Los Angeles area.	J
Department of the Interior:			
F-BLM-A02081-00	Proposed 1976 Outer Continental Shelf, OCS, Oil and Gas Lease Sale No. 41, Gulf of Mexico.	EPA generally had no objections to the proposed sale, but emphasized concern over the offering of 3 tracts (BS-71, S-66, and MP-69) which could have a high probability of impact in the event of a spill.	A
F-NPS-K61001-AZ	Proposed Master Plan, Grand Canyon Complex, Arizona.	EPA generally had no objections to the project as proposed. However, EPA requested additional information be provided on (1) drinking water treatment methods; (2) construction projects proposed at Bright Angel Point; (3) consideration of accommodations for elderly and less physically able visitors.	J
Nuclear Power Commission:			
F-NRC-H06000-KS	Wolf Creek Generating Station, Unit 1, Kans.	EPA generally had no objections to the project as proposed. However, EPA reiterated its request that the EIS include a description of ongoing and planned studies on the "Balance of the Fuel Cycle." If no such efforts could be documented, EPA requested NRC include an analysis when WASH-1248 "Environmental Survey of the Uranium Fuel Cycle" is updated. Furthermore, EPA suggested that these concerns be considered by ERDA upon development of ultimate radioactive waste disposal technology.	H
Federal Power Commission:			
F-FPC-D09001-VA	Bath County Project No. 2716, Pumped Storage Facility, Virginia.	EPA's review of the final EIS indicated the statement was unresponsive to environmental reservations expressed in comments on the draft EIS. In particular, FPC has not provided the supplemental water quality data requested in our review of the draft EIS. Without such data, EPA is unable to evaluate potential impacts of construction and operation on downstream water quality and biota. Therefore, EPA continues to have environmental reservations on the project proposed.	D
Department of Transportation:			
F-FHW-A41864-PA	LR 1052 Section III, Cross Valley Expressway, Luzerne County, Pa.	EPA generally had no objections to the project as proposed. However, EPA suggested that the relatively high projections of carbon monoxide concentrations should be incorporated in the future environmental assessment of adjoining transportation projects.	D
F-FHW-A42282-IN	Tenth Street Improvements, Columbus, Bartholomew County, Ind., FHWA-EIS-IND-74-02-F	EPA generally had no objections to the project as proposed. However, EPA recommended measures to provide additional reduction of excessive noise levels.	F
F-FHW-A42339-OH	Relocation of OH-7, Bellaire Bypass, Belmont County, Ohio, FHWA-EIS-OHIO-71-08-F.	EPA generally had no objections to the proposed project. However, EPA suggested the FHWA consider acquisition of the homes which will be subjected to exceeding noise levels thereby eliminating an adverse environmental impact.	F
F-UMT-D54001-DC	Bicentennial transportation Plan Washington, D.C. (1T-06-0143).	EPA generally had no objections to the project as proposed.	D

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-SCS-G36022-AR	South Fork Watershed, Montgomery County, Ark. (USDA-SCS-EIS-WS-(ADM)-75-2-(F)-AR).	G
Corps of Engineers:		
F-COE-G30002-TX	Freeport Hurricane Flood, Protection, Freeport and Vicinity, Tex.	G
F-COE-K35005-CA	Maintenance Dredging, Federal Navigation Project, San Francisco Region, Calif.	J
F-COE-L36016-OR	The Siuslaw Estuary and the Umpqua Estuary, Including the Smith River, Oreg.	K
Department of Commerce:		
F-NOA-L81004-WA	Western Regional Headquarters Facility Development, Sand Point, Seattle, King County, Wash.	K
Department of Health, Education, and Welfare:		
F-HEW-E28001-FL	Conveyance and Expansion of the U.S. Navy Aqueduct Serving the Florida Keys, Monroe County, Fla.	E
Department of Housing and Urban Development:		
F-HUD-B89006-MA	Boston Demolition Plan, Clearance of Unsafe Buildings (CDBG), Boston, Suffolk County, Mass.	B
F-HUD-E23004-AL	Pulaski Pike Water System (CDBG), Huntsville, Madison County, Ala.	E
Department of Transportation:		
F-FHW-H40009-IA	Freeway 520, Webster and Hamilton Counties, Iowa	H

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Jan. 16, 1976, and Jan. 31, 1976*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-AFH-A86003-00	7 CFR Parts 1824 and 1901, Program Related Instructions, Environmental Impact Statement Proposed Redesignation, Revision.	EPA generally expressed no objections to the proposed regulations and included several suggestions for strengthening the regulations from an environmental point of view. These included suggestions for environmental assessments for minor projects undertaken in noise or flood prone areas; integration of farmers home wastewater treatment programs with those of EPA; a definition for the term "emergencies"; and an inclusion of environmental standards in the environmental assessment procedures; and the inclusion of the noise to which farmers home activities will be subjected to in the environmental assessment procedures.	A
Department of the Interior:			
R-BLM-A01032-00	43 CFR Parts 3500, 3520, Coal Leases, Diligent Development and Continuous Operations.	EPA encouraged the promulgation of diligence regulations, but made several recommendations with respect to strengthening the regulations in the following area: (1) Environmental review and application of diligence to existing leases, (2) determination of logical mining units, (3) advance royalty payments, (4) continuous operations, and (5) forseeable costs of compliance with requirements for environmental protection.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-5961 Filed 3-2-76;8:45 am]

FEDERAL POWER COMMISSION

ALBERT THORNBROUGH ET AL.

[Docket No. CS76-459, *et al.*]

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 26, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, 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.

Docket No.	Date filed	Applicant
CS76-459	Feb. 6, 1976	Albert Thornbrough, 379 Alexander Palm Rd., Boca Raton, Fla. 33432.
CS76-460	Feb. 17, 1976	Minet Brandt, 212 Normandy Village, Shreveport, La. 71104.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-461	Feb. 9, 1976	Pelto Oil Co., 2850 Bank of New Orleans Bldg., New Orleans, La., 70112.
CS76-464	do	Mono Power Co., 2244 Walnut Grove Ave., Rosemead, Calif. 91770.
CS76-465	Feb. 12, 1976	Franklin, Aston & Fair, Ltd., P.O. Box 1090, Roswell, N. Mex. 88201.
CS76-466	do	The Power Rig Drilling Co., Inc., P.O. Box 51436, Lafayette, La. 70501.
CS76-467	Feb. 13, 1976	B V B Co., 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-468	do	Owen Hulsey, 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-469	do	Allstate Securities, Inc., P.O. Box 786, Charleston, W. Va. 25323.
CS76-470	Feb. 17, 1976	Smackover Producing Co., Box 379, El Dorado, Ark. 71730.
CS76-471	do	Armor-Versity-Sandlin, 2220 First National Center, Oklahoma City, Okla. 73102.
CS76-472	do	Samuel Butler, Jr., 3100 1660 Lincoln St., Denver, Colo. 80202.
CS76-473	do	Carter Foundation Production Co., P.O. Box 1036, 400 West 7th St., Fort Worth, Tex. 67101.
CS76-474	do	Dan E. Archer, P.O. Box 888, Perryton, Tex. 79070.
CS76-475	do	Nola Mae Sheldon, Drawer 775, Dumas, Tex. 79029.
CS76-476	Feb. 19, 1976	Estate of Summerfield G. Roberts, Trust Oil Department, P.O. Box 6031, Dallas, Tex. 75283.
CS76-477	do	Matthew C. Roberts III, 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-478	do	Streber Oil Co., 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-479	do	Annie Lee Roberts, 2415 Adolphus Tower, Dallas, Tex. 75202.
CS76-480	do	Grady & Roppolo 1975-A, a Louisiana Partnership in Commendam, 312 Beck Bldg., Shreveport, La. 71101.

[FR Doc.76-6006 Filed 3-2-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Notice of Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 17, 1976, Virginia Cities and Virginia Polytechnic Institute and State University filed a motion to defer the procedural dates fixed by order issued December 24, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 13, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6003 Filed 3-2-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Notice of Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 17, 1976, Virginia Cities and Virginia Polytechnic Institute and State University filed a motion to defer the procedural dates fixed by order issued December 24, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 13, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5983 Filed 3-2-76;8:45 am]

[Docket No. CP76-277]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 26, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia), a Delaware corporation, having its principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed on February 23, 1976, an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the transportation of ntaural gas for Fruehauf Corporation (Fruehauf), as more fully set forth in the application which is on file with the Commission and open to public inspecton.

Specfically, Columbia requests authorization to transport up to 700 Mcf per day for Fruefauf, which volumes will be received by Columbia at a mutually agreeable point in Salem Township, Tuscarawas County, Ohio and redelivered at an existing point of delivery from Columbia to West Ohio Gas Company near Delphos, Ohio. Fruehauf will purchase the gas through its energy subsidiary, FrueKel, Inc. from Appalachian Exploration, Inc. The transportation by Columbia will be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and will be further limited to only those amounts required to offset curtailment of the high priority requirements of Fruehauf. Columbia's transportation charge for this service will be its average systemwide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, as reflected in its FPC rate filings. Columbia will retain for company-use and unaccounted-for gas 3.6% of the volumes received for the account of Fruehauf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 17, 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, as amended (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 the 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, as amended, 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 Columbia to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5979 Filed 3-2-76;8:45 am]

[Docket No. ER76-517]

CONSUMERS POWER CO.

Notice of Tariff Change

FEBRUARY 26, 1976.

Take notice that Consumers Power Company (Consumers) on February 18, 1976 tendered for filing changes in data supporting the Electric Coordination Agreement between Consumers Power and The Detroit Edison Company (Detroit Edison), designated Consumers Power Company Rate Schedule FPC No. 33. Consumers states that the new data states, based on the latest official capability data in use by the joint Planning Committee of the two companies, the installed capability, projected peak load, reserve capacity, and percent reserve for the winter peak load season, commencing on October 27, 1975.

Consumers states that effective on January 5, 1976, the existing Election Coordination Agreement was cancelled and superseded by a new Electric Coordination Agreement.

Consumers states that copies of the filing were mailed to Detroit Edison and to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5980 Filed 3-2-76;3:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 5, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 15, 1975, as most recently modified by notice issued November 18, 1975, in the above-designated proceeding.

Staff Counsel states in his motion that El Paso Natural Gas Company has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 4, 1976.
Service of Intervenor Testimony, May 18, 1976.
Service of Company Rebuttal, June 1, 1976.
Prehearing Conference, June 15, 1976.
Hearing, To commence at conclusion of the conference.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5994 Filed 3-2-76;8:45 am]

[Docket Nos. E-8769, E-8770, E-9119, ER76-216, ER76-218, ER76-219]

FLORIDA POWER & LIGHT CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 18, 1976, Florida Light and Power Company (FP&L) filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued January 6, 1976, in the above-designated proceeding, Counsel for FP & L has contacted Staff Counsel and states (in his motion) that Staff Counsel does not object to the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, May 7, 1976.
Service of Staff Testimony, July 2, 1976.
Service of Intervenor Testimony, July 16, 1976.
Service of Company Rebuttal, July 26, 1976.
Hearing, August 17, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5996 Filed 3-2-76;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 24, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued January 21, 1976, in the above-designated proceeding.

Staff's motion states that counsel for the company and counsel for the intervenors in the proceeding consent to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, Testimony, April 13, 1976.
Service of Intervenor Testimony, April 27, 1976.
Service of Company Rebuttal, May 11, 1976.
Hearing, May 25, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5985 Filed 3-2-76;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Notice of Extension of Procedural Dates

FEBRUARY 25, 1976.

On February 11, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 25, 1975, in the above-designated proceeding.

On February 20, 1976, the Boroughs of Kutztown, Goldsboro, and Lewisberry, Pennsylvania filed an answer opposing Staff's motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 24, 1976.
Service of Intervenor Testimony, April 9, 1976.
Service of Company Rebuttal, April 23, 1976.
Hearing, May 10, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6005 Filed 3-2-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Petition To Intervene

FEBRUARY 24, 1976.

On April 30, 1975, Michigan-Wisconsin Pipe Line Company (Mich Wis) tendered for filing proposed changes in its FPC Gas Tariff which would increase its rates to jurisdictional customers by $65,992,505 annually, based on the test period ended January 31, 1975. Notice of Mich Wis' filing was issued May 8, 1975, with comments, protests or petitions to intervene due on or before May 21, 1975.

On January 9, 1976, FirstMiss, Inc. (FirstMiss) filed a petition to intervene out of time in this proceeding. FirstMiss states that it owns and operates an ammonia and fertilizer plant complex which uses natural gas for feed stock and processing. A portion of its gas needs, FirstMiss states, is purchased from North Central Public Service Company which, in turn, purchases gas from Mich Wis. Accordingly, the Company avers, FirstMiss has a direct and substantial interest in the instant proceeding, which interest will not be adequately represented by any other party hereto.

Our review of the subject petition indicates that FirstMiss has a sufficient interest in the instant proceeding to warrant its intervention herein, and that such intervention may be in the public interest. Accordingly, said petition shall be granted as hereinafter ordered and conditioned.

The Commission finds: It is desirable and in the public interest to permit FirstMiss to intervene in this proceeding, as hereinafter ordered and conditioned.

The Commission orders: (A) FirstMiss is hereby permitted to intervene in this proceeding, 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 its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in 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.76-5982 Filed 3-2-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

FEBRUARY 26, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets, setting forth its proposed curtailment plan to be effective February 1, 1976. Notice of Mich-Wisc's filing was issued on January 14, 1976, with protests and petitions to intervene due on or before January 21, 1976.

An untimely notice of intervention was filed by the Michigan Public Service Commission on January 30, 1976.

Late petitions to intervene were received from:

Illinois Power Co., January 26, 1976.
Wisconsin Power & Light Co., February 2, 1976.
Wisconsin Michigan Power Co., February 3, 1976.
Wisconsin Natural Gas Co., February 3, 1976.
Iowa Southern Utilities Co., January 29, 1976.
North Central Public Service Co., January 29, 1976.

Having reviewed the above notice and petitions to intervene, we believe the above petitioners have sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these 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 the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions 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 in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5991 Filed 3-2-76;8:45 am]

[Docket No. RP73-43 (PGA 76-1)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

FEBRUARY 26, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on February 17, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Substitute Eighteenth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1 and I-1, to be effective February 1, 1976 only, and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order dated January 30, 1976 of this Docket No. RP73-43 (PGA 76-1); and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5988 Filed 3-2-76;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Late Interventions

FEBRUARY 26, 1976.

On August 15, 1975, the National Fuel Gas Supply Corporation (National Fuel) tendered for filing a proposed increase in rates and charges. Notice of National Fuel's filing was issued by the Commission on August 25, 1975, with protests and petitions to intervene due on or before September 9, 1975.

Untimely protests and petitions to intervene were filed by the County of Erie and City of Buffalo and the Pennsylvania Public Utility Commission. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission Orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions 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 in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5992 Filed 3-2-76;8:45 am]

[Docket No. RP75-108]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Further Extension of Procedural Dates

FEBRUARY 26, 1976.

On February 20, 1976, Natural Gas Pipeline of America (Natural) filed a motion to extend the procedural dates filed by order issued June 30, 1975, as most recently modified by notice issued January 30, 1976, in the above-designated docket.

Natural states in its motion that the other parties in the proceeding concur in the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, April 12, 1976.
Service of Company Rebuttal, May 10, 1976.
Hearing, May 26, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5986 Filed 3-2-76;8:45 am]

[Docket No. RP76-49]

NORTHERN NATURAL GAS CO.

Notice of Further Extension of Time Regarding Show Cause Proceeding in the Matter of Pre-Order 499 Alaskan Advances

FEBRUARY 25, 1976.

On February 13, 1976, Northern Natural Gas Company filed a motion to extend the time to show cause pursuant to order issued December 31, 1975, in the above-indicated proceeding. The time was most recently extended by notice issued January 16, 1976.

Notice is hereby given that the time within which all parties must show cause in the above-proceeding is extended from February 27, 1975 to and including March 12, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-5995 Filed 3-2-76;8:45 am]

[Docket No. CP76-156]

NORTHERN NATURAL GAS CO.

Notice of Amendment to Application

FEBRUARY 25, 1976.

Take notice that on February 5, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-156 an amendment to its application[1] filed in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to omit from said application the request for realignment of 1,000 Mcf of natural gas contract demand from billing group B to billing group D for Applicant's Peoples Natural Gas Division (Peoples), all as more fully set forth in the amend-

[1] Notice published January 12, 1976 (41 FR 1793).

ment to application on file with the Commission and open to public inspection.

Applicant states that the reason for the amendment to application is that Peoples has advised Applicant that due to cold weather experienced on Peoples' distribution system the transfer of the contract demand as originally proposed is not feasible.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5997 Filed 3-2-76;8:45 am]

[Docket Nos. RP74-80 and RP75-89]

NORTHERN NATURAL GAS CO.

Notice of Refund Report

FEBRUARY 26, 1976.

Take notice that on February 17, 1976, Northern Natural Gas Company (Northern) tendered for filing a refund report showing the reduction in rates in Docket No. RP75-89 for the period October 27, 1975, through December 26, 1975, and the interest refunds in Docket No. RP74-80 both effectuated pursuant to the Stipulation and Agreement in Docket No. RP74-80 and the Commission's order approving same, according to Northern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5989 Filed 3-2-76;8:45 am]

[Docket Nos. RP73-109 and RP74-95]

NORTHWEST PIPELINE CORP.

Order Granting Late Intervention

FEBRUARY 26, 1976.

On May 12, 1973, the El Paso Natural Gas Company (El Paso) tendered for filing a proposed rate increase. On February 1, 1974, when the Northwest Pipeline Corporation's (Northwest) divestiture from El Paso became effective, Northwest succeeded El Paso as party applicant to that increase in Docket No. RP73-109. On May 31, 1974, Northwest filed for a further rate increase which was suspended until December 1, 1974, subject to refund, in Docket RP74-95.

As a result of negotiations among the parties concerning these two proposed increases, the Presiding Administrative Law Judge Allen C. Lande was able to certify a settlement agreement resolving most of the issues to the Commission on December 8, 1975. Comments regarding that settlement proposal were to be filed by January 31, 1976, with answering comments due on or before February 15, 1976.

On January 30, 1976, the Department of Business Regulation of the State of Utah and the Public Service Commission of Utah jointly filed an untimely petition to intervene in which they agree to "accept the record as it stands," and request participation throughout the remainder of the proceedings so that their views may be made known at the appropriate time.

The Commission finds: Good cause exists to grant this petition to intervene in these proceedings.

The Commission orders: (A) The aforementioned petitioners are hereby permitted to intervene in these 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 the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions 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 in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5993 Filed 3-2-76;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued January 8, 1976, in the above-designated proceeding.

Staff Counsel states in her motion that she has contacted counsel for Ohio Power and the Public Service Commission of West Virginia and they have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 30, 1976.
Service of Intervenor Testimony, April 13, 1976.
Service of Company Rebuttal, April 20, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5984 Filed 3-2-76;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Notice of Further Extension of Procedural Dates

FEBRUARY 23, 1976.

On February 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, as most recently modified by notice issued January 8, 1976, in the above-designated proceeding.

Staff Counsel states in her motion that she has contacted counsel for Ohio Power and the Public Service Commission of West Virginia and they have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, March 30, 1976.
Service of Intervenor Testimony, April 13, 1976.
Service of Company Rebuttal, April 20, 1976.
Hearing, May 4, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6002 Filed 3-2-76;8:45 am]

[Docket Nos. ER76-308 and ER76-386]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Order Accepting for Filing and Suspending Proposed Tariff Agreements, Consolidating Dockets and Establishing Prehearing Conference

FEBRUARY 25, 1976.

On January 26, 1976 Public Service Company of New Mexico (PSNM) tendered for filing supplemental data for the purpose of completing PSNM's original filings in the above-captioned

dockets. PSNM tendered for filing in Docket No. ER76-308 a Second Supplemental Agreement, designated as PSNM's Rate Schedule FPC No. 29, between it and Community Public Service Company (CPS). This Supplemental Agreement provides for delivery by PSNM to CPS of firm power and energy prior to the date htat a long-term Electric Service Agreement goes into effect which is to be no later than June 1, 1976. The term of this Supplemental Agreement is from December 1, 1975 to May 31, 1976. For the twelve-month period ending June 30, 1975, PSNM's proposal would increase revenues from CPS by approximately $349,274.

In Docket No. ER76-386 PSNM tendered for filing a letter agreement between it and the Energy Research and Development Administration (ERDA), designated as Supplement No. 7 to PSNM's Rate Schedule FPC No. 10. This agreement has an effective date of December 1, 1975 and will be terminated at the filing of a new rate amendment which is presently being negotiated between the parties. The proposed changes would increase PSNM's revenues from ERDA by approximately $150,310 for the twelve-month period ending June 30, 1975.

Both proposed contracts contain rate design based upon "Time of Day" rates which PSNM states will encourage CPS and ERDA to take energy during off peak periods and thus enable PSNM to use its coal resources to their best advantage.

Notices of PSNM's completed filings were issued on January 29, 1976 with comments, protests or petitions to intervene due on or before February 13, 1976. No comments, protests or petitions to intervene have been received to date.

Our review of PSNM's proposed rate to CPS and ERDA indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept PSNM's proposals for filing and suspend their use for two months, until April 26, 1976, when they will be permitted to become effective subject to refund. We shall also direct that a hearing be held on the justness and reasonableness of the proposed rates.

Certain issues of law and fact regarding the proper level of rates and the "Time of Day" demand charges are common to both proposals tendered by PSNM. Accordingly, we shall consolidate Docket Nos. ER76-308 and ER76-386 for hearing and all other purposes.

We note that PSNM, while seeking to normalize the tax effect of interest associated with construction work in progress, has not made a showing in accordance with Order No. 530-A, issued January 19, 1976, that such normalization results in a tax deferral rather than a tax savings. Since PSNM's original tenders of filing were made prior to the issuance of Order No. 530-A, we believe it proper to allow PSNM an additional 30 days to file evidence to make the showing required by our order.

The Commission finds: (1) It is necessary and proper in the public interest 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 PSNM's proposed rate schedules in these dockets and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause exists to consolidate Docket No. ER76-308 with Docket No. ER76-386 for purposes of hearing and decision.

The Commission orders: (A) Pending a hearing and a decision thereon, PSNM's proposed changes in its rates and charges, tendered on December 1, 1975 and December 23, 1975, and completed on January 26, 1976, are accepted for filing, and suspended for two months, the use thereof deferred until April 26, 1976 when they will be permitted to become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purposie, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on March 18, 1976 at 10:00 a.m. EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authoried to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(D) PSNM shall, within thirty days of the issuance of this order, submit such testimony and exhibits as it deems appropriate to support the normalization it seeks herein.

(E) Docket Nos. ER76-308 and ER76-386 are hereby consolidated for hearing and all other purposes.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6001 Filed 3-2-76;8:45 am]

[Docket No. E-9418]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Extension of Time

FEBRUARY 26, 1976.

On February 20, 1976, South Carolina Electric and Gas Company (SCE&G) filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on February 2, 1976, in Docket No. E-9418. SCE&G's motion states that Staff Counsel and counsel for the intervenors do not object to the requested extension.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions in Docket No. E-9418 is hereby extended to and including March 17, 1976. The time for filing briefs opposing exceptions is extended to and including April 6, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5987 Filed 3-2-76;8:45 am]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 25, 1976.

Take notice that on February 2, 1976, Southern Natural Gas Company (Petitioner), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 a petition to amend pursuant to Sections 7(b) and (c) of the Natural Gas Act the order of the Commission of October 29, 1969 (42 FPC 944), as amended, issued in said docket pursuant to Section 7(c) of the Natural Gas Act issuing a certificate of public convenience and necessity authorizing the sale and delivery of natural gas, by authorizing Petitioner to increase the contract demand sales of natural gas to Alabama Gas Corporation (Alagasco) from 414,965 Mcf per day to 417,347 Mcf and by authorizing Petitioner to deliver such additional gas at the delivery point formerly used to serve The Gas Board of the City of Demopolis, Alabama, and by deleting authorization to sell gas to the latter customer, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has been informed by Alagasco that Alagasco purchased from The Gas Board of the City of Demopolis the gas system of the City of Demopolis and as a part of such purchase the gas contract demand of The Gas Board of 2,382 Mcf per day was assigned to Alagasco. Accordingly, Petitioner proposes to increase sales and deliveries to Alagasco by 2,382 Mcf per day for the benefit of Demopolis, to add as a delivery point to Alagasco the former Demopolis delivery point, and to discontinue sales and deliveries to Demopolis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 24, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5998 Filed 3-2-76;8:45 am]

[Docket No. CP70-7]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 25, 1976.

Take notice that on February 17, 1976, Southern Natural Gas Company (Petitioner), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 pursuant to Section 7(b) and (c) of the Natural Gas Act a petition to amend the order of the Commission of October 29, 1969 (42 FPC 944), as amended, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act authorizing the sale and delivery of natural gas to Mississippi Valley Gas Company (Mississippi Valley) to increase the contract demand of gas authorized to be sold to Mississippi Valley from 96,680 Mcf to 97,064 Mcf, to authorize an additional point for deliveries of gas to Mississippi Valley, and to delete Petitioner's authorization to sell gas to the Town of Noxapater, Mississippi, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it has been informed by Mississippi Valley that Mississippi Valley purchased from the Town of Noxapater the gas distribution system of Noxapater and as a part of such purchase the gas contract demand of the Town of Noxapater of 384 Mcf was assigned to Mississippi Valley. Petitioner requests that it be authorized to sell Mississippi Valley an additional contract demand of 384 Mcf of gas per day, that it be authorized to deliver gas to Mississippi Valley at the former Noxapater delivery point, and that it be permitted to abandon sales and deliveries to Noxapater.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 22, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5999 Filed 3-2-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

FEBRUARY 26, 1976.

Take notice that Southern Natural Gas Company (Southern), on February 24, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to reflect a proposed change in Southern's currently effective rates in Docket No. RP75-84. The filing reflects a redesign of rates based on the projected operations of the interim curtailment plan ordered by the Commission in Opinion No. 747 and is a result of the Commission's Opinion and Order Prescribing Interim Curtailment Plan (Opinion No. 747) in Docket Nos. RP74-6 and RP72-74, issued on November 20, 1975. The Redesigned rates result in a decrease in G and OCD demand rates and an increase in AO and OCD commodity rates.

Southern states that application of the interim curtailment plan ordered by Opinion No. 747 to Southern's test year sales volumes in Docket No. RP75-84 has caused a significant change in the sales pattern utilized by Southern in its Docket No. RP75-84 rate increase filing of March 31, 1975. As noted hereinabove, the sales pattern utilized by Southern in its March 31, 1975 rate increase filing assumed continued utilization of the curtailment plan filed by Southern in Docket No. RP72-74. It is claimed that that assumption, in light of Opinion No. 747, should be modified.

In order to reflect the sales pattern and projected operations on Southern's pipeline system which result from application of the interim curtailment plan ordered by Opinion No. 747, Southern is filing a tariff sheet providing for a change in rates, to be effective March 26, 1976, based on reallocation of Southern's Docket No. RP75-84 cost of service between jurisdictional and non-jurisdictional sales and between zones and redesign of rates to reflect operation of the Opinion No. 747 curtailment plan.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5981 Filed 3-2-76;8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Extension of Procedural Dates

FEBRUARY 25, 1976.

On January 23, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 30, 1976.
Service of Intervenor Testimony, May 14, 1976.
Service of Company Rebuttal, May 28, 1976.
Hearing, June 8, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6004 Filed 3-2-76;8:45 am]

[Docket Nos. RP73-35 and RP74-89 (PGA76-1 and AP76-2)]

TRUNKLINE GAS CO.

Notice of Change in Tariff

FEBRUARY 26, 1976.

Take notice that on February 13, 1976, Trunkline Gas Company (Trunkline) tendered for filing Alternate Fourteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective February 1, 1976, for one day only.

Trunkline submits that this revised sheet is filed in accordance with Paragraph (B) of the Commission's Order issued January 30, 1976 in the above-referenced dockets, showing revisions to the Advance Payment Section of Trunkline's filing of December 15, 1975 to exclude costs associated with all new advance payments included in the December 15 filing.

Trunkline states that the Order of January 30, 1976 indicated that Trunkline filed for a rate increase of 3.60 cents per Mcf. The subject filing also included a reduction in the demand rate of 1 cent per Mcf. The annual effect of both changes is approximately $13,000,000 based upon annual sales reflected in the filing. Based upon the tariff sheet filed herewith the suspension of new advance payments for one day results in an annual suspension of $1,600,000 in revenues.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file

a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-5990 Filed 3-2-76;8:45 am]

[Docket No. E-9288]

UTAH POWER & LIGHT CO.

Notice of Application

FEBRUARY 25, 1976.

Take notice that on February 25, 1975, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of an additional 200,000 shares of Applicant's previously authorized but unissued common stock, par value $12.80 per share, to be issued pursuant to the terms of the Shareholders' Dividend Reinvestment and Stock Purchase Plan (Plan) of Applicant. Under the Plan dividends on common stock payable to paticipating shareholders are applied to the purchase of common stock at a price based on the New York Stock Exchange closing price of Applicant's common stock on the dividend payment date.

On February 19, 1976, Applicant filed an amendment to its application, seeking to modify the Plan to provide for optional cash payments and to eliminate the service charge to participating shareholders.

The proceeds from the sale of the new common stock will be applied to Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6000 Filed 3-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Notice of Grants of Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted January 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo Aircraft, 5—Passenger Carrying Aircraft.

Application number prefixed by the letters EE represent applications for Emergency Exemptions.

Grants

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E75-135	DOT-E 3121	U.S. Department of Defense, Washington, D.C.	49 CFR 173.336(a)(6), 177.841(b).	To ship nitrogen tetroxide in a specially designed non-DOT specification cargo tank having a design working pressure of 300 lb/in² (mode 1).
E75-62	DOT-E 3415	do	49 CFR 173.79 and 173.92.	To ship certain unpackaged rocket motors on specially equipped motor vehicle (mode 1).
E75-56	DOT-E 3600	do	49 CFR 172.5, 173.87, and 173.400.	To ship empty rocket engine equipped with various explosive components (modes 1, 2).
E75-127	DOT-E 3848	RMI Co., Niles, Ohio.	49 CFR 173.208(a)	To ship Titanium metal powder wet with not less than 50 pct water in certain DOT specification full removable head drums (mode 1).
E75-45	DOT-E 5013	Carrier Corp., Syracuse, N.Y.	49 CFR 173.306(e); 46 CFR 146.24-100.	To qualify additional group I refrigerants, and in greater quantity, under the partial exemptions provided in §173.306(e) (mode 3).
E75-134	DOT-E 5112	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.62(a), 177.834(1)(3), 177.835(k).	To ship a high explosive liquid in kettle drum type aluminum containers permanently mounted on a specially designed strong aluminum base (mode 1).
E75-58	DOT-E 5208	U.S. Department of Defense, Washington, D.C.	49 CFR 172.5	To ship ammunition for cannon with tear gas projectile in accordance with sec. 173.54(a) (modes 1, 2).
E75-60	DOT-E 5717	do	49 CFR 173.385(c)	To ship tear gas devices in non-DOT specification packaging (modes 1, 2).
E75-61	DOT-E 5746	do	49 CFR 172.5, 173.119(a), 173.268; 46 CFR 146.21-100, 146.23-100.	To ship contaminated missile components in special packagings (modes 3, 4).
E75-57	DOT-E 5777	do	49 CFR 173.93(c), 172.5.	To ship class B explosives in cylindrical type metal containers (modes 1, 2).
E75-129	DOT-E 6068	do	49 CFR 173.34(d), 173.302.	To ship nitrogen in a nonreusable steel, spherical, non-DOT specification pressure vessel (modes 1, 2, 4).
E75-55	DOT-E 6145	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.154(a)	To ship oxidizing materials, wet with water, in DOT specification MC-303, MC-304, MC-306, MC-311, or MC-312 cargo tanks (mode 1).
E75-42	DOT-E 6267	Bio-Lab., Inc., Decatur, Ga.	49 CFR 173.217(a)	To ship certain oxidizing materials in a non-DOT specification fiberboard box having inside polyethylene pails (mode 1).
E75-140	DOT-E 6583	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.249(a)(7)	To ship alkaline caustic liquid, not otherwise specified, in DOT specification 51 portable tank, except tank may be equipped with a 1½ inch bottom outlet (mode 1).
E75-59	DOT-E 6685	U.S. Department of Defense, Washington, D.C.	49 CFR 173.65(a), 177.835(c)(1).	To ship a certain high explosive in DOT specification 21C fiber drum in temperature controlled motor vehicles (mode 1).
E75-125	DOT-E 6686	Chilton Metal Products, Chilton, Wis.	49 CFR 173.304, 178.65.	To ship methyl-acetylene-propadiene stabilized in DOT specification 39 nonrefillable steel cylinder (mode 1, 2).
E75-128	DOT-E 6790	Dow Chemical U.S.A., Freeport, Tex.	49 CFR 173.249(a)(6), 173.263(a)(10).	To ship corrosive liquids in a non-DOT specification fiberglass reinforced plastic (FRP) cargo tank not exceeding 5,500 gal water capacity (mode 1).
E75-121	DOT-E 6943	Mason Hanager-Silas Mason Co., Amarillo, Tex.	49 CFR 173.65(d)	To ship triaminotrinitrobenzene (TATB) as a reagent in accordance with sec. 173.65(d) (modes 1, 2).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E75-138	DOT-E 6954	U.S. Department of Defense, Washington, D.C.	49 CFR 173.315(a)(1) Note 14.	To ship monomethylhydrazine in a DOT specification MC-312 cargo tank constructed of 304 stainless steel having molybdenum content of less than 0.5 pct (mode 1).
E75-1	DOT-E 7085	California Seal Control Corp., San Pedro, Calif.	49 CFR 172.5, 173.86, 173.100, 173.51(b).	To ship an explosive device, classified as class C, in DOT specification 12B fiberboard boxes having inside cellular packaging (mode 1).
E75-14	DOT-E 7088	NASA, Oakland, Calif.	49 CFR 173.88(e)(ii), 173.92 (a)(1), (b); 14 CFR 103.9.	To make a 1-time shipment of certain explosives exceeding the quantity limitations of 14 CFR 103.9 (mode 4).
E75-5	DOT-E 7091	Owens-Illinois, Toledo, Ohio.	49 CFR 173.119(d)	To ship a flammable liquid not otherwise specified in a DOT specification 57 portable tank (mode 1).
E75-3	DOT-E 7093	Monsanto Co., St. Louis, Mo.	49 CFR 173.304(a)(1)	To ship an instant foam solution in a 16-oz-capacity glass bottle containing 252 g of solution (mode 1).
		EMERGENCY EXEMPTIONS		
EE76-70	DOT-E 6923	Dow Chemical Co., Midland, Mich.	49 CFR 173.315	To ship liquefied ethylene in a cargo tank comprised of an aluminum inner tank, insulated with polyurethane covering, and an outer steel jacket (mode 1).
EE76-71	DOT-E 7089	The Center for Disease Control, Atlanta, Ga.	14 CFR 103.7	To make a 1-time shipment of an etiologic agent, specially packaged, via air (mode 5).
EE76-72	DOT-E 7090	Ireco Caribbean, San Juan, P.R.	46 CFR 146.22-40(a)	To ship nitrocarbonitrate aboard vessels loaded at nonisolated facilities (mode 3).
EE76-73	DOT-E 7095	Phoenix, Inc., Minneapolis, Minn.	49 CFR 173.365	To make a limited number of shipments of solid waste (class B poison) in covered open top semitrailers (mode 1).

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-5799 Filed 3-2-76;8:45 am]

[OST FILE No. 42; Notice 76-2]

FUEL ECONOMY STANDARDS FOR ELECTRIC AND OTHER NON-FUEL VEHICLES

Request for Information and Public Comment

The Department of Transportation is conducting a study of the advisability of including electric vehicles and vehicles that operate on fuels other than gasoline or diesel fuel within the regulatory framework for increased motor vehicle fuel economy established in section 301 of the Energy Policy and Conservation Act (Pub. L. 94-163). That act added a new Title V to the Motor Vehicle Information and Cost Savings Act of 1972 which provides for mandatory fuel economy standards for new motor vehicles powered by gasoline and diesel fuel. Section 512(b) of Title V requires the Department to report to the Congress and the President on the advisability of including electric and other non-fuel vehicles within the coverage of Title V. Non-fuel vehicles are defined as those fueled by other than gasoline or diesel fuel. Section 512(b) addresses attention to four items:

1. The extent to which electric and other non-fuel vehicles should be covered by Title V.

2. The manner in which the energy requirements of such vehicles may be compared with the energy requirements of fuel-consuming vehicles.

3. The extent to which inclusion of such vehicles would stimulate their production and introduction into commerce.

4. Any recommendations for legislative action.

To assist in the study, the public is invited to submit information and comments relevant to the four issues above, plus any other information and comments pertinent to the object of the study. Comments (three copies, if possible) should identify the file number (OST file No. 42) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. The target date for submission of the report is June 1, 1976; therefore, all comments received by the close of business Friday, April 9, 1976, will be considered. Material submitted to the file will be available for public inspection and copying, and for responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on February 26, 1976.

DR. RICHARD L. STROMBOTNE,
Chief, Energy and Environment Systems Division.

[FR Doc.76-6106 Filed 3-2-76;8:45 am]

[OST FILE No. 41; Notice 76-1]

FUEL FLOW METERS

Request for Information and Public Comment

The Department of Transportation is conducting a study of the advisability of requiring that each new automobile be equipped with a fuel flow instrument reading directly in miles per gallon and the most feasible means of equipping used automobiles with such instruments. The study will result in a report to the Congress and the President as required by section 512(a) of the Motor Vehicle Information and Cost Savings Act of 1972, as added by section 301 of the Energy Policy and Conservation Act (Pub. L. 94-163). Section 512(a) addresses attention to four items:

1. The effectiveness of such instruments in promoting voluntary reductions in fuel consumption.

2. The cost of such instruments.

3. Means of encouraging automobile purchasers voluntarily to purchase automobiles equipped with such instruments.

4. Any other factor bearing on the cost and effectiveness of such instruments and their use.

To assist in the study, the public is invited to submit information and comments relevant to the four issues above, plus any other information and comments pertinent to the objects of the study. Specific attention is invited, however, to the following questions:

1. Would meters reading directly in miles per gallon be effective in promoting a reduction in fuel consumption?

2. What is an appropriate basis for deciding whether each new automobile should be equipped with such a device on either a mandatory or optional basis?

3. Under what conditions would it be appropriate for used automobiles to be equipped with such devices?

4. What total price is reasonable to pay for such a device installed in an automobile and why?

5. What savings in fuel cost would justify costs of the meter?

6. What other driver aids merit consideration? What reasons and supportive data exist for judging their effectiveness?

7. If meters reading directly in miles per gallon are effective, how can their use be stimulated effectively?

Comments (three copies, if possible) should identify the file number (OST File No. 41) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. The target date for submission of the report is June 1, 1976; therefore, all comments received by the close of business Friday, April 9, 1976, will be considered. Material submitted to the file will be available for public inspection and copying, and for responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Department of Transportation, Room 10100 Nassif Building, 400 Seventh Street, SW., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on February 26, 1976.

DR. RICHARD L. STROMBOTNE,
Chief, Energy and Environment Systems Division.

[FR Doc.76-6105 Filed 3-2-76;8:45 am]

[Docket No. 28866]

CIVIL AERONAUTICS BOARD

SINGAPORE AIRLINES LIMITED

Notice of Prehearing Conference Regarding Foreign Permit Application (Singapore-U.S.)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 24, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, North Universal Building 1875, Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., February 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-6109 Filed 3-2-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 794]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

FEBRUARY 23, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

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

February 23, 1976

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

21380-CD-P-76, AZTEC Communications, Inc. (KLF632), C.P. to chg antenna system and for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #6: 9117 Hogan Road, Jacksonville, Florida.

21381-CD-P-(2)-76, Gulf Central Communications & Electronics, Inc. (KK0352), C.P. for additional facilities to operate on 454.225 & 454.250 MHz at Loc. #1: Approximately 1 mile West of Lafayette, Louisiana.

21382-CD-P-76, Capitol Radiotelephone Co., Inc. (KUS223), C.P. to change frequency from 158.70 MHz to 152.24 MHz and to relocate facilities to be located near 800 Block of Nease Drive, 900 feet North of 7th Ave., W. Ext., Charleston, West Virginia.

21383-CD-P-(2)-76, Tel-Car, Inc. (KLF594), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. #2: Squaw Butte, 9.5 miles NNE of Emmett, Idaho.

21384-CD-P-(6)-76, South Central Bell Telephone Company (KCI344), C.P. to change antenna system operating on 454.450 454.475 454.500 & 454.525 MHz and for additional facilities to operate on 454.600 & 454.625 MHz located at 201 Court Avenue, Memphis, Tennessee.

21385-CD-MP-76, Autofone, Inc. (KUO573), Modification of CP to change antenna system and relocate facilities operating on 454.125 MHz to be located at Corner of Claxton Dairy Road and Brookwood Drive, Dublin, Georgia.

21386-CD-P-76, Gabriel Communications Corp., d.b.a. Mobile Dispatch Service (KIR204), C.P. to change point of communication operating on 454.325 & 454.275 MHz located at 1400 NW 23rd Avenue, Fort Lauderdale, Florida.

21389-CD-P-76, Chibardun Telephone Co-Op, Inc. (New), C.P. for a new station to operate on 152.66 MHz to be located ½ mile NW of intersection state Hwy. 8 and Co. Trk. P, Almena, Wisconsin.

21390-CD-P-76, Mobilfone Service, Inc. (KKA401), C.P. for additional facilities to operate on 152.18 MHz at Loc. #1: 1020 S.E. 64th Street, Oklahoma City, Oklahoma.

21392-CD-P-76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.21 MHz to be located at 530 North Main Street, Oshkosh, Wisconsin.

21393-CD-P-76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.18 MHz to be located at Holy Family Hospital, 2300 Western Avenue, Manitowoc, Wisconsin.

21394-CD-P-76, Feek's Telephone Answering Service, Inc. d.b.a. Mobile Dispatch Service (KQZ705), C. P. for additional facilities to operate on 35.58 MHz at Loc.#1: 525 14th Avenue East, Seattle, Washington.

21395-CD-MP-76, KVET Broadcasting Company, Inc. (KWT919), C.P. to change frequency from 454.250 MHz to 454.275 MHz and relocate facilities to be located on hill west of Trail of the Madrones Road, Austin, Texas.

21396-CD-P-(2)-76, Industrial Communications of Pecos, Inc. (KKJ454), C.P. to relocate base facilities operating on 454.175 MHz and repeater facilities operating on 450.050 MHz from Loc.#1 to a new location to be described as Loc.#5: 1.7 miles N of Hwy. #80 and 4.3 miles NE of Barstow, Texas.

21397-CD-P-76, General Telephone Company of the Southwest (KSV925), C.P. to change antenna system operating on 152.60 MHz located at intersection of Dillon & Bernice Streets, Spearman, Texas.

21398-CD-P/L-76, Consolidated Telephone Company (KRM977), C.P. to reinstate expired license operating on 152.78 MHz located 2 miles north of Thedford, Nebraska.

21399-CD-P-(2)-76, Two-Way Radio of Carolina, Inc. (New), C.P. for a new 1-way station to operate base facilities on 152.24 MHz at Loc.#1: Baker Mountain, 5 miles S. of Hickory, North Carolina; and control facilities to operate on 454.350 MHz at Loc. #2: Fairbrook Park, Route #3, Hickory, North Carolina.

21400-CD-P-76, John Rugardba Vegas Instant Page (KFL943), C.P. to change antenna system and relocate facilities operating on 35.58 MHz at Loc.#1: 300 South 4th Street, Las Vegas, Nevada.

Renewal of License expiring April 1, 1976.
Term: April 1, 1976 to July 1, 1978.

INDIANA

Thorntown Telephone Company, KSJ808.

RURAL RADIO SERVICE

60272-CR-P-76, RCA Alaska Communications, Inc. (New), C.P. for a new rural subscriber station to operate on 157.80 MHz to be located at Village located 111 miles south of McGrath, Lime Village, Alaska.

60273-CR-P-76, RCA Alaska Communications, Inc. (New), C.P. for a new central office station to operate on 152.54 MHz to be located at site located 130 miles south of McGrath, Sparrevohn (WACS), Alaska.

60274-CR-P-76, RCA Alaska Communications, Inc. (WGG20), C.P. to replace transmitter, add a transmitter, change antenna system and relocate facilities operating on 157.80 & 157.86 MHz to be located at Ptarmigon Telco Building, Wales, Alaska.

INFORMATIVE

On October 6, 1975, the Commission released the First Report & Order of Docket 20490. One of the purposes was to implement the use of new application forms. One of these forms is FCC Form 430 (Common Carrier License Qualification Report). As required by new Section 21.11(a), as adopted in Docket 20490, each licensee or permittee who offered a public service at any time during the preceding calendar year must submit a completed FCC Form 430 no later than January 31 of the following year.

We have received a number of requests for an extension of the January 31, 1976, date. Rather than address each extension request individually, a general extension has been granted to March 31, 1976, to file the Form 430 for the year ending December 31, 1975. After March 31, no final action on pending application (CP's modifications of licenses, renewals, etc.) will be taken if the applicant has not filed the required annual Form 430.

However, licensees are advised that this form must be filed whether pending applications are on file or not. Failure to file will subject licensees to further action by the Commission.

Copies of FCC Form 430 can be obtained by writing to:

Federal Communications Commission, 1919 "M" Street, Room B-10, Washington, D.C. 20554.

Specifically request FCC Form 430 in your letter.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

1795–CF–MP–76, Michigan Bell Telephone Company (KVU86), 54 North Mill Street, Pontiac, Michigan. Lat. 42°38'20"N., Long. 83°17'25"W. Modification of C.P. to change polarization from Horizontal to Vertical on frequencies 4050 3970 3890 3810 3730 MHz, and from Vertical to Horizontal on 4030 4110 MHz toward Ortonville, Michigan on azimuth 319.1°.

1796–CF–MP–76, Same, (KQM33), 3.4 miles SW of Ortonville, Michigan. Lat. 42°49'08" N., Long. 83°30'09"W. Modification of C.P. to change polarization from Horizontal to Vertical on frequencies 4090 4010 3930 3850 3770 MHz toward Pontiac, Michigan on azimuth 138.9°.

1797–CF–P–76, The Bell Telephone Company of Pennsylvania (WJM45), 200 North Grand Street, Lewistown, Pennsylvania. Lat. 40°35'51"N., Long. 77°34'49"W. C.P. to change polarization from Horizontal to Vertical on frequency 10755 MHz toward Lewistown passive reflector on azimuth 161.2°, and from passive reflector toward Thick Mountain, Pennsylvania on animuth 26.1°.

1798–CF–P–76, Same, (WJM44), Thick Mountain, 5.2 miles ENE of Naginey, Pennsylvania Lat. 40°44'30"N., Long. 77°28'02" W. C.P. to change polarization from Horizontal to Vertical on frequency 11685 MHz toward Lewistown passive reflector on azimuth 206.1°, and from passive reflector toward Lewistown, Pennsylvania on azimuth 341.2°.

1810–CF–P–76, Nevada Telephone-Telegraph Company (New), Bryant & St. Patrick Streets, Tonopah, Lat. 38°04' 02"N., Long. 117°13'50"W. C.P. for a new station on frequency 10815V MHz toward Brock Mountain Passive Reflector on azimuth 166.2°, and from passive reflector toward a new station at Goldfield, Nevada on azimuth 180.9°.

1811–CF–P–76, Same, (New), Corner 5th & Miners Streets, Goldfield, Nevada. Lat. 37° 42'41"N., Long. 117°13'56"W. C.P. for a new station on frequencies 11585V MHz toward Indian Spring passive reflector on azimuth 296.5°, and from passive reflector toward a new station at Silver Peak, Nevada on azimuth 270.3°; 11305V MHz toward Brock Mountain passive reflector on azimuth 0.9°, and from passive reflector toward a new station at Tonopah, Nevada on azimuth 346.2°.

1812–CF–P–76, Same, (New), Silver Peak, Nevada. Lat. 37°45'08" N. Long. 117°38'08" W. C.P. for a new station on frequency 11095V MHz toward Indian Spring passive reflector on azimuth 90.1° and from passive reflector toward a new station at Goldefield Nevada on azimuth 116.5°.

1817–CF–P–76, Puerto Rico Telephone Company, (WWY73), Ste. Rd No. 3 and Universitaria Avenue Humacao, Puerto Rico. Lat. 18°09'04"N., Long. 65°49'10"W. C.P. to relocate transmit station and add frequency 3750.0H MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 8.3°.

1818–CF–P–76, Same, (WWT63), Ste. Rd 194, 0.8 mile North of Fajardo, Puerto Rico. Lat. 18°20'17" N., Long. 65°39'12" W. C.P. to add antenna and frequency 11485.0H MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 258.3°.

1819–CF–P–76, Same, (WWY91), 65 Pimental Street, Rio Grande, Puerto Rico. Lat. 18° 22'57" N., Long. 65°49'57" W. C.P. to modify receive station information for frequency 11345.OV MHz toward a relocated station at El Yunque, Puerto Rico on azimuth 153.6°.

1837–CF–P–76, Southwestern Bell Telephone Company (KKB58), 424 S. Detroit Street, Tulsa, Oklahoma. Lat. 36°09'10" N. Long. 95°59'12" W. C.P. to add frequency 6034.2H MHz toward Bixby, Oklahoma on azimuth 175.4°.

1838–CF–P–76, Same, (WGG32), 5.3 miles WNW of Bixby, Oklahoma, Lat. 35°58'26" N. Long. 95°58'08" W. C.P. to add frequencies 6286.2V MHz toward Tulsa, Oklahoma on azimuth 355.4°, and 6286.2H MHz toward Stone Bluff, Oklahoma on azimuth 101.2°.

1839–CF–P–76, Same (WGG33), 3.8 miles NE of Stone Bluff, Oklahoma. Lat. 35°55'46" N., Long. 95°41'43" W. C.P. to add frequenices 6034.2V MHz toward Bixby, Oklahoma on azimuth 281.4°, and 6034.2H MHz toward Muskogee, Oklahoma on azimuth 124.0°.

1840–CF–P–76, Same (WGG34), 221 North 5th Street, Muskogee, Oklahoma. Lat. 35°45' 05" N., Long. 95°22'20" W. C.P. to add frequencies 6286.2V MHz toward Stone Bluff, Oklahoma on azimuth 304.2°, and 6286.2V MHz toward a new point of communication at Porum, Oklahoma on azimuth 171.5°.

1841–CF–P–76, Same, (New), 2.2 miles SW of Porum, Oklahoma. Lat. 35°20'36" N., Long. 95°17'53' W. C.P. for a new station on frequencies 6034.2H MHz toward Muskogee, Oklahoma on azimuth 351.6°, and 6034.2V MHz toward a new station at Kinta, Oklahoma on azimuth 163.9°.

1842–CF–P–76, Same, (New), 4.6 miles North of Kinta, Oklahoma. Lat. 35°11'06" N., Long. 95°14'32" W. C.P. for a new station on frequencies 6286.2H MHz toward a new station at Porum, Oklahoma on azimuth 343.9°; 6286.2V MHz toward a new station at Krebs, Oklahoma on azimuth 234.4°; and 6286.2V MHz toward a new station at Gans, Oklahoma on azimuth 63.8°.

1843–CF–P–76, Same, (New), 5.9 miles NE of Krebs, Oklahoma. Lat. 34°57'41" N., Long. 95°37'14" W. C.P. for a new station on frequencies 6034.2H MHz toward a new station at Kinta, Oklahoma on azimuth 54.2°; and 10815.OV 10895.OV MHz toward a new station at McAlester, Oklahoma on azimuth 255.7°.

1844–CF–P–76, Same (New), 323 E. Carl Albert Pkwy., McAlester, Oklahoma. Lat. 34° 55'53" N. Long. 95°45'48" W. C.P. for a new station on frequencies 11345.OV 11425. OV MHz toward a new station at Krebs, Oklahoma on azimuth 75.6°.

1845–CF–P–76, Same, (New), 1.2 miles North of Gans, Oklahoma. Lat. 35°24'20" N., Long. 94°41'27" W. C.P. for a new station on frequencies 6034.2H MHz toward a new station at Kinta, Oklahoma on azimuth 244.2°, and 6034.2V MHz toward a new station at Fort Smith, Arkansas on azimuth 95.4°.

1846–CF–P–76, Southwestern Bell Telephone Company (New), 101 North 13th Street, Fort Smith, Arkansas. Lat. 35°23'03" N., Long. 94°25'04" W. C.P. for a new station on frequency 6286.2H MHz toward a new station at Gans, Oklahoma on azimuth 275.5°.

2450–CF–R–76, Continental Telephone Company of California (KMQ70), Bishop, California. Application for renewal of Radio Station License (Developmental) expiring March 25, 1976. Term: March 25, 1976 to March 25, 1977.

2461–CF–R–76, Same, (WAH592), Pine Creek, California. Application for Renewal of Radio Station License (Developmental) expiring March 25, 1976. Term: March 25, 1976 to March 25, 1977.

Correction

1640–CF–P–76, Southern Pacific Communications Co. (WAU255), Mahwah, New Jersey. Correction: add 6063.8H towards Jersey City, New Jersey on azimuth 167.4 degrees. Rest remains the same as reported on Public Notice dated 2–2–76.

1787–CF–MP–76, United Video, Inc. (KEZ53), 3.0 miles SW of Taylorville, Illinois. Lat. 39°30'43" N., Long. 89°15'02" W. C.P. to add 6034.2V MHz, via power split, toward Springfield & Decatur, both in Illinois; and add 6078.6H MHz toward Schram City, Illinois.

1788–CF–MP–76, Same, (KEZ51), 4.0 miles E of Schram City, Illinois. Lat. 39°10'09" N., Long. 89°26'48" W. C.P. to add 6330.7H MHz toward Vandalia, Illinois.

1789–CF–P–76, Same, (KSP97), 5.0 miles S of Vandalia, Illinois. Lat. 38°57'01" N., Long. 89°06'02" W. C.P. to add 6078.6V MHz toward Effingham, Illinois.

1790–CF–P–76, Same, (WDE81), Cameron Farm, 7.0 miles SSE of Venton, Louisiana. Lat. 30°05'07" N., Long. 93°31'40" W. C.P. to add 6345.5H MHz toward Lake Charles, Louisiana; and add 6345.5V MHz toward Port Arthur, Texas.

1791–CF–P–76, Same, (New), 4.0 miles NE of Oklahoma City, Oklahoma. Lat. 35°30'58" N., Long. 97°25'43" W. C.P. to add 5989.7V MHz toward El Reno, Oklahoma, on azimuth 272.0°.

1831–CF–P–76, United Wecho, Inc. (KEV51), 1.0 mile SW of Trees, Texas. Lat. 33°47'04" N., Long. 94°02'51" W. C.P. to add 6152.8V MHz toward Black Diamond, Arkansas; and 6152.8H MHz toward Marshall, Texas.

1832–CF–P–76, Same, (KFA44), Marshall, Texas, Lat. 32°32'18" N., Long. 94°20'51" W. C.P. to add 6256.5V MHz toward Walker Mill, Texas.

1833–CF–P–76, Same, (KEX75), 1.8 miles S of Walker Mill, Texas. Lat. 32°33'37" N., Long. 94°33'20" W. C.P. to add 6004.5V MHz toward Goodman, Mtn., Texas.

1834–CF–P–76, Same, (KEX58), Goodman Mtn., 5.0 miles WNW of Kilgore, Texas. Lat. 32°24'39" N., Long. 94°59'16" W. C.P. to add 6315.9H MHz toward Tyler, Texas.

1835–CF–P–76, Same, (KEV52), Black Diamond, Arkansas. Lat. 33°08'26" N., Long. 93°54'54" W. C.P. to add 6404.8V MHz toward Moore Lake, Arkansas.

1836–CF–P–76, Same, (WPE80), Moore Lake, 5.0 miles E of Texarkana, Arkansas. Lat. 33°26'20" N., Long. 93°56'27" W. C.P. to add 6123.1H MHz toward Texarkana, Arkansas.

1828–CF–P–76, United Video, Inc. (KEZ51), 4.0 miles E of Schram City, Illinois. Lat. 39°10'09" N., Long. 89°26'48" W. C.P. to add 6271.4H MHz toward Vandalia, Illinois.

1829–CF–P–76, United Video, Inc. (KSP97), 5.0 miles S of Vandalia, Illinois. Lat. 38°57'01" N., Long. 89°06'02" W. C.P. to add 6137.9V MHz toward Effingham, Illinois.

1830–CF–P–76, Same, (WAH570), 1.5 miles NW of Lincoln, Illinois. Lat. 40°09'48" N., Long. 89°23'23" W. C.P. to add 11385.0H MHz & 11465.0H MHz toward Clinton, Illinois.

1847–CF–P–76, Eastern Microwave, Inc (KEM59), Sentinel Heights, Onondaga, New York. Lat. 42°56'45" N., Long. 76°07'09" W. C.P. to add 5960.0V MHz, 5989.7H MHz, 6019.3V MHz, 6049.0H MHz, 6078.6V MHz & 10815.0V MHz, via power split, toward Syracuse-EMI, New York.

Major amendments

5445–C1–P–71 thru 5448–C1–P–71; 5455–C1–P–71 and 465–C1–P–74 Satellite Business Systems. Applicant request change of ownership interest from CML Satellite Corporation to Satellite Business Systems (SBS). The acceptance for filing of this amendment does not constitute Commission approval of Satellite Business Systems (SBS) policies and practices and its legal, technical and financial qualifications to be a Common Carrier Domestic Satellite licensee. (Informative: See FCC's Public Notice Reports I–204, dated February 6, 1976;

#663 dated August 27, 1973; #643 dated April 9, 1974; and #539 dated April 12, 1971).

[FR Doc.76-6092 Filed 3-2-76;8:45 am]

[Docket No. 18845; File Nos. BPCT-4320, BRCT-326, etc.]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order

In the matter of applications of Lamar Life Broadcasting Co., Jackson, Mississippi, Docket No. 18845, File Nos. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Mississippi, Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Mississippi, Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Mississippi, Docket No. 18848, File No. BPCT-4318; Channel 3, Inc., Jackson, Mississippi, Docket No. 18849, File No. BPCT-4319; for a construction permit.

1. Before the Review Board is a petition to enlarge issues, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting (UCC/Coalition).[1] In their petition, UCC/Coalition allege that William Mounger, president, director, and 40% owner of Dixie National Boradcasting Corporation (Dixie) has engaged in certain activities which reflect adversely upon Dixie's qualifications to be a Commission licensee; consequently, petitioners assert, appropriate issues[2] should be designated in this proceeding to permit full exploration of these activities and their effect on Dixie's ability to operate a broadcast facility in the public interest.

2. The Mounger issues were first raised before the Board by UCC in a November 23, 1973 petition to enlarge issues. By Order, FCC 74R-24, 45 FCC 2d 150 (1974), the Board dismissed this petition for lack of standing on UCC's part, whereupon UCC and Coalition petitioned the presiding Administrative Law Judge for leave to intervene. The presiding Judge's denial of their request, FCC 74M-266, 29 RR 2d 1295, released March 20, 1974, was subsequently reversed in part by the Board, which made UCC/Coalition parties to this proceeding for the purpose of participating as to certain issues already specified by the Board, but at the same time, declined to add the Mounger issues because of UCC/Coalition's failure to substantiate their allegations of misconduct. *Lamar Life Broadcasting Co.*, 48 FCC 2d 807, 31 RR 2d 381 (Rev. Bd. 1974).[3] In an Order expressing concern that the existence of the questions relating to UCC/Coalition's right to party status might have detracted from the ability of the parties to address the substantive merits of the Mounger issues, the Commission concluded that UCC/Coalition should be permitted, consistent with the provisions of Section 1.229 of the Commission's Rules, to file a petition to enlarge issues with the Review Board for its further consideration. *Lamar Life Broadcasting Co.*, 53 FCC 2d 928 (1975). Pursuant to this Order, UCC/Coalition filed the petition now before us.[4]

Jackson Academy Issues

3. It is UCC/Coalition's first contention that William Mounger's association with the Jackson Academy, a private school which petitioners assert has a racially discriminatory admissions policy, warrants the addition of character issues against Dixie. When this contention was first raised before the Board, UCC/Coalition maintain, the Board declined to add the requested issue, citing as grounds for its decision petitioners' failure to establish that Mounger had advocated or supported the Academy's discriminatory policy, their failure to demonstrate that the Academy's policy violated any legal provision whatsoever, and their failure to show any relationship between Mounger's conduct and Dixie's fitness to be a Commission licensee. In their present petition, UCC/Coalition seek to remedy, in turn, each of the above deficiencies.

4. Because our prior disposition of petitioners' contentions did not require us to reach their assertions concerning the nature of the Jackson Academy's admission policy, we will address first this aspect of their argument. In support of their allegations of discrimination, petitioners submit the following documents:

(1) The deposition testimony of four Jackson Academy officials taken on June 30, 1966, in which at least two of the officials expressed an opinion that black students would be harmful to the school;

(2) A letter from the Commissioner of the Internal Revenue Service to a Jackson attorney, stating that the Jackson Academy's tax exemption under Section 501(c)(3) of the Internal Revenue Code had been revoked;

(3) A list of Mississippi private schools found by the State to have nondiscriminatory admissions policies and to thus be eligible to receive state-owned textbooks, which list does not include the Jackson Academy; and

(4) The affidavit of Alex W. Waites, who identifies himself as a "black adult citizen of Jackson, Mississippi," who is and has been active in civic affairs there. Waites, on "information and belief," states that the Jackson Academy is reputed in the community to exclude blacks from its student body.

With the exception of the Waites affidavit which we must reject on both procedural and substantive grounds,[5] we believe that the above documents raise substantial questions concerning the Jackson Academy's policies. Furthermore, we consider it significant that throughout the lengthy history of this proceeding, Dixie has never explicitly denied petitioners' allegations in this regard.

5. With respect to Mounger's personal responsibility for the Academy's admissions policy, petitioners assert that officers and directors of educational institutions, as a general rule, formulate and effectuate institutional policies. While it is possible that Mounger did not perform these functions as an officer and director of the Jackson Academy, UCC/Coalition suggest, Dixie has as yet offered no evidence in support of such a proposition. Thus, petitioners urge, it must be presumed that Mounger's duties as a school official encompassed the functions and responsibilities customarily assumed by persons in such positions, and that Mounger therefore particpated in the formulation and effectuation of the Jackson Academy's admissions policy. Dixie, in opposition, rejects this argument, contending that petitioners have offered no specific evidence regarding Mounger's role in establishing the Academy's policy. While this contention is correct, the Board does not consider such evidence to be an essential element in petitioners' argument. Like UCC/Coalition, we believe that officers and directors of educational institutions may be presumed to be responsible for school policies, in the absence of evidence to the contrary. Dixie has offered no contrary evidence, and we must therefore conclude that the presumption raised by petitioners has not as yet been rebutted.

6. Finally, with respect to the legality of the Jackson Academy's admissions policy and the relationship between Mounger's role in making this policy and his ability to operate a broadcast station in the public interest, UCC/Coalition assert, citing *Chapman Radio and Television Co.*, 24 FCC 2d 282, 19 RR 2d 589 (1970), and *Brown Radio and Television Co.*, FCC 75R-179, 5 RR 2d 288 (Rev. Bd.

---

[1] Also before the Board are: comments, filed October 14, 1975, by the Broadcast Bureau; an opposition, filed October 16, 1975, by Dixie; and a reply, filed October 23, 1975, by UCC/Coalition. In addition, the Board has before it a petition to accept late filed pleading, filed September 8, 1975, by UCC/Coalition; comments, filed October 14, 1975, by Channel 3, Inc.; and an opposition, filed October 14, 1975, by Dixie. Finally, the Board has before it a request for consideration of pleading addressed to new matter raised in UCC reply and a response to UCC reply, both filed November 21, 1975, by Dixie; a motion to strike improper pleadings of Dixie, filed November 24, 1975, by UCC/Coalition; and an opposition to UCC motion to strike, filed December 5, 1975, by Dixie. Our review of UCC/Coalition's reply pleading convinces us that no new facts and arguments are raised therein. Accordingly, we will deny Dixie's request for permission to respond to this pleading. See *Supplemental Pleadings before the Review Board*, 40 FCC 2d 1026 (Rev. Bd. 1972).

[2] Hereinafter, sometimes referred to as "the Mounger issues."

[3] For a more detailed procedural history of this aspect of the instant proceeding, see paragraph 2 of the Board's Memorandum Opinion and Order, FCC 74R-332, 48 FCC 2d at 808, 31 RR 2d at 383-384.

[4] While the UCC/Coalition petition was not filed within the fifteen day period specified by the Commission, we will not dismiss it as untimely. As both UCC/Coalition and the Bureau point out, no party to his proceeding has been prejudiced by UCC/Coalition's delay since the further hearings previously ordered by the Board have not as yet been scheduled. Moreover, petitioners' allegations raise public interest questions of a very serious nature, a fact which independently warrants their consideration on the merits. See *The Edgefield-Saluda Radio Co. (WJES)*, 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966).

[5] Not only have petitioners failed to establish that Waites is qualified to speak for the black community, but the Waites assertions themselves are based on information and belief rather than on the personal knowledge required by Section 1.229(c) of the Commission's Rules.

1965), that illegality is not a necessary prerequisite to consideration of conduct as reflecting upon an applicant's qualifications. Rather, they argue, it is the nature of the conduct and its relationship to the matters entrusted to the Commission which determine whether an issue is warranted. The type of conduct involved here, *i.e.*, racial discrimination on the part of a private institution with which an applicant is associated, has been held in the past to raise serious questions concerning the applicant's qualifications, UCC/Coalition maintain, citing *Chapman Radio and Television Co., supra.*, and a similar conclusion is allegedly warranted here. In opposition, Dixie asserts that petitioners' allegations are premised on Mounger's beliefs and opinions, rather than on his conduct. For the Commission to examine an applicant's subjective thoughts and outlook merely because of his past associations raises serious Constitutional questions, Dixie argues, and it is therefore both inadvisable and improper for Mounger's association with the Jackson Academy to form the basis for an inquiry into Dixie's qualifications.

7. We have found above that there are substantial indications that the Jackson Academy has a racially discriminatory admission policy for which Mr. Mounger is presumptively responsible. Given these conclusions we also believe that William Mounger's role in shaping the Jackson Academy's admission policy justifies enlarging the issues in this proceeding. The fairness with which an applicant deals with particular racial and religious groups is a well recognized consideration in assessing its qualifications to be a licensee. *See WBNX Broadcasting Co., Inc.*, 12 FCC 837, 4 RR 242 (1948); *RKO General, Inc.*, 42 FCC 2d 469, 28 RR 2d 289 (Rev. Bd. 1973). Here, William Mounger, a substantial stockholder in Dixie and its proposed full-time chief executive officer as well, has been an officer and director of an institution which allegedly discriminates on the basis of race. We must conclude that serious questions exist as to "whether the applicant, whatever his own views, is likely to give a 'fair break' to others who do not share them," *WBNX Broadcasting Co., Inc.*, 12 FCC at 841, 4 RR at 248. Accordingly, we will authorize a further inquiry to determine whether Dixie can reasonably be expected to operate its proposed station and serve its community in a nondiscriminatory fashion.[6] In reaching this conclusion, we reject as unfounded Dixie's contention that the addition of an issue on the present record would be improperly based upon Mounger's beliefs rather than his conduct. We have no concern with Mr. Mounger's beliefs or, indeed, with the operation of the school, if that were all that were involved. But we must be concerned with the operation of the proposed broadcast station, and with the operation of another organization which, if carried into operation of a television station, would be contrary to the public interest. It is on that ground that the operation of the Jackson Academy, and Mr. Mounger's role in that operation, is relevant here. Concern with such matters is not in our view on impermissible examination of Mr. Mounger's personal beliefs on social issues.

8. Petitioners also urge that a qualifications issue is warranted on the somewhat separate ground that, whatever Dixie's intent and demonstration of good faith might be, the effect of Mr. Mounger's conduct is to make it impossible for the black community to have the communication and cooperation with him that is required for Dixie to perform in the public interest. This approach would, of course, leave Dixie without any defense once the operation of the school and Mr. Mounger's participation were established, since it is the community's perception of the applicant rather than the applicant's expected performance which would be determinative of the applicant's qualifications. Petitioners liken the situation to the focus of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), upon the consequences of employment practices rather than their motivation. They also reply upon *TV 9, Inc.* v. *FCC*, 161 U.S. App. D.C. 349, 495 F. 2d 929, 28 RR 2d 1115 (1973), *rehearing denied* 161 U.S. App. D.C. 361, 495 F.2d 941, 29 RR 2d 963 (1974), *cert. denied* 419 U.S. 968 (1974), and *Garrett* v. *FCC*, 513 F. 2d 1056 (D.C. Cir., 1975), where the Court of Appeals held that the Commission should give credit in a comparative case for black ownership and participation as likely to bring about programming responsive to the needs of black citizens.

9. While, as set forth above, we believe that an additional issue is warranted, we are not inclined to base its addition upon the second ground urged by the petitioners. Assuming that the community's perception of the applicant, or the perception held by any relevant minority, could be effectively demonstrated, we think it would be a fragile basis upon which to rest the denial of an application. We are concerned with the capacity of a proposed licensee to operate in the public interest. If the applicant satisfactorily convinces the Commission that it will operate in the public interest, we see no reason to assume that what petitioners call "demonstrated good intentions" will not also become apparent to the black citizens in the station's service area. To the contrary, we think that demonstrated good intentions will lead to a satisfactory perception of the station by the black community and that there will be no impairment of the station's capacity to serve the whole community. We see nothing in the approach of the Civil Rights Act or the cited decisions of the Court of Appeals which would warrant us in denying a license to an applicant who will in fact operate in a fair and nondiscriminatory manner. We therefore reject petitioners' second ground as a basis for the further enlargement of issues we are ordering.

POLITICAL CORRUPTION ISSUE

10. It is UCC/Coalition's second contention that during the period in which William Mounger served as finance chairman of the Mississippi State Republican Committee, the Committee illegally exacted contributions of $200 per house for certain FHA mortgages. In support of this contention, UCC/Coalition originally submitted various newspaper clippings and press releases. To this material petitioners add in their present petition the affidavit of Edward J. Kuhlmann, counsel for UCC, who states that he has learned from a Department of Agriculture official that the Department undertook an investigation of its own employees and forwarded the results of this investigation to the Department of Justice and that he has been informed by counsel for the Intergovernmental Relations Subcommittee of the Committee on Government Operations of the U.S. House of Representatives that the Subcommittee is in the process of investigating the activities of the Mississippi State Republican Committee.

11. The Review Board does not consider UCC/Coalition's submissions sufficient to justify their request. Instead of demonstrating that William Mounger in his capacity as an official of the Mississippi State Republican Committee participated in improper activities, petitioners have merely asserted that charges of political corruption have been made and are being investigated. UCC/Coalition would apparently have us accept those unsubstantiated charges as a substitute for the specific allegations of fact required by Section 1.229(c) of the Commission's Rules, but this the Board cannot do. The mere fact that a person has been accused of wrongdoing does not, standing alone, support a conclusion that he has acted wrongly. Likewise, UCC/Coalition's contention that the Mississippi State Republican Committee has been accused of political corruption cannot support a conclusion that the Committee and/or Mounger was in fact involved in such practices, and we must accordingly deny petitioners' request.

12. ACCORDINGLY, IT IS ORDERED, That the petition to accept late filed pleading, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS GRANTED; and

13. IT IS FURTHER ORDERED, That the motion to strike improper pleadings of Dixie National Broadcasting Corporation, filed November 24, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS

[6] In our view, the question of whether Dixie will pursue a nondiscriminatory policy in both its employment practices and its program service to all of the people it will serve is one of basic qualifications. If the question is resolved in Dixie's favor, no further consideration need be given to this issue. Conversely, if the issue is resolved against Dixie, that determination would be conclusive against the applicant's qualifications to operate in the public interest.

GRANTED, and the request for consideration of pleading addressed to new matter raised in UCC reply, filed November 21, 1975, by Dixie National Broadcasting Corporation, IS DENIED; and

14. IT IS FURTHER ORDERED, That the petition to enlarge issues, filed September 8, 1975, by the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, IS GRANTED to the extent indicated herein and IS DENIED in all other respects; and

15. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following:

(a) To determine whether the Jackson Academy in Jackson, Mississippi, has a racially discriminatory admissions policy and, if so, to determine the role of William Mounger in making this policy; and

(b) To determine, in light of the evidence adduced pursuant to the above issue, whether there is reasonable assurance that Dixie National Broadcasting Corporation will pursue a nondiscriminatory policy in its employment practices and in its provision of service to its entire community of license.

16. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence under issue (a) added herein SHALL BE upon the Office of Communication of the United Church of Christ and the Community Coalition for Better Broadcasting, and the burden of proof under issues (a) and (b) SHALL BE upon Dixie National Broadcasting Corporation.

Adopted: February 19, 1976.

Released: March 1, 1976.

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

[FR Doc.76-6090 Filed 3-2-76;8:45 am]

[Docke Nos. 20607; 20608; File Nos. 5745-C2-P-73; 7580-C2-P-73]

RADIO PAGING SERVICE AND TEL-CAR, INC.

For Construction Permits

1. This proceeding involves the mutually exclusive applications of Robert F. Ryder, d/b/a Radio Paging Service (Radio Paging) and Tel-Car, Inc. (Tel-Car) for construction permits to establish a new guard band one-way paging station in the Domestic Public Land Mobile Radio Service at Jerome, Idaho. Presently before the Review Board is a motion for the enlargement of issues, filed November 5, 1975, by Radio Paging which seeks the addition of the following issue against Tel-Car: [1]

To determine the nature of services now rendered by Tel-Car, Inc., and the paging capacities of its existing facilities at Jerome and Twin Falls, Idaho; and, in light of Section 21.516 of the Commission's Rules and other pertinent regulations and policies, to determine whether Tel-Car's application for additional radio facilities, on a basic and/or comparative qualifications basis, would serve the public interest; and, in view of the foregoing, whether Tel-Car's application should be granted.

2. In support of its request, movant avers that Tel-Car plans to establish its guard band control in the city of Twin Falls at 408 6th Avenue West, which is also the control point for its two-way station. Specifically, its two-channel (152.09 MHz and 152.21 MHz) multilocation DPLMRS Station KRM 969 and its two-channel (152.15 MHz and 132.03 MHz) DPLMRS Station KSV 957.[2] Movant maintains that Tel-Car's two existing stations and its proposed station will be under common control and will be cooperated, serving the same market area in the same (VHF) frequency band pursuant to a single certificate and, thus, that all three of Tel-Car's facilities will be under "simultaneous common control", as defined by Section 21.1 of the Commission's Rules. In light of the above, Radio Paging argues that, pursuant to Section 21.501(d)(2) of the Commission's Rules,[3] Tel-Car should be required to give "full information" to show why its proposed one-way paging service could not be provided in connection with the base station facilities used for its two-way communications, citing *Airsignal International, Inc.*, 46 FCC 2d 1, 29 RR 2d 1303 (Rev. Bd. 1974). In this connection, movant asserts that Tel-Car's FCC Form L discloses that Station KRM 969, as of December 31, 1974, provided paging service to a total of eight subscribers and eight units over two channels, that, in 1973, Tel-Car reportedly served four subscriber units, and that the service unit figures for 1972 and 1971 were, respectively, two and zero. Radio Paging also asserts that as of December 31, 1974, Tel-Car's FCC Form L for KSV 957, reveals that the applicant provided paging service to a total of four subscriber units while its FCC Form L for 1971 shows that only one subscriber unit was served during that year. Movant contends that since the foregoing facts raise a substantial question as to the existence of a significant unused paging capacity at Jerome and Twin Falls, facilities under simultaneous common control, an appropriate Rule 21.516 issue should be specified.[4]

In its comments, the Common Carrier Bureau indicates that it is in general agreement with Radio Paging's motion for the requested issues.

3. In opposition, Tel-Car asserts that Radio Paging's reliance upon *Airsignal International, Inc., supra*, is misplaced and inapposite;[5] thus, Tel-Car argues that Rule 21.501(d)(2) is applicable only to 35–43 MHz frequencies governing assignments for one-way signalling service and not to high-band frequencies.[6] Nevertheless, turning to the merits of Radio Paging's petition, Tel-Car contends that Radio Paging's allegations with respect to the existence of unused capacity on existing two-way systems and as to "simultaneous common control" of the proposed paging station and its existing two-way station are pure speculation. Thus, Tel-Car argues that although the one-way paging units presently served on its systems are moderate in number, this does not "prove the existence of significant unused capacity at Jerome and Twin Falls", as alleged by Radio Paging, and that because of the extent of its two-way traffic it has little or no capacity available through its two-way stations for one-way signalling service without occasioning degradation of its two-way service.[7] Tel-Car contends that even though the control points for KSV 957 and KRM 969 are the same as the control point for the proposed one-way station, this fact alone does not show that all the stations would be under "simultaneous common control", as alleged by Radio Paging. Rather, Tel-Car avers that "simultaneous common control" of its two-way and proposed one-way stations is impractical and that its proposed one-way station will be separate and independent of the control of the two-way stations.

4. In the Board's view, petitioner has raised a substantial question as to whether the channel load study information submitted by Tel-Car is sufficient to justify the granting of an additional fre-

---

[1] Also before the Board are the following related pleadings: (a) comments, filed November 17, 1975, by the Common Carrier Bureau; (b) opposition, filed November 19, 1975, by Tel-Car; and (c) reply, filed December 1, 1975, by Radio Paging.

[2] Radio Paging and Tel-Car have applied for the same one-way paging "guard band" frequency (152.24 MHz) at Jerome, Idaho.

[3] Rule 21.501(d)(2) reads in pertinent part: If an applicant for authorization to provide exclusive one-way signalling service provides, or proposes also to provide, General or Dispatch service * * *, the application for a one-way facility should be supported with full information to show why the proposed signalling service could not be provided in connection with the base station facilities used for such General or Dispatch service.

[4] Rule 21.516 calls for a specific traffic load study in addition to other information required by the rules when an applicant seeks additional channels at an existing DPLMRS facility.

[5] Tel-Car, citing *Atlantic Broadcasting Co. (WUST)*, 5 FCC 2d 717, 8 RR 2d 991 (1966) in support of the proposition that the Board is not authorized to add a Rule 21.516 issue, argues that since the Commission had all the relevant facts before it, it deliberately omitted adding such an issue.

[6] Tel-Car asserts that Rule 21.501(h)(2), which relates to high-band frequencies, cited by movant, does not support addition of the requested issue since no comparable requirement for traffic information is contained therein. As a related matter, Tel-Car asserts that the guard band one-way frequencies were allocated so as to avoid the restriction on the use of 35–43 MHz frequencies imposed by Rule 21.501(d)(2). Tel-Car cites *Allocation of Frequencies in 150.8–162 Mc/s Band*, 12 FCC 2d 841, 13 RR 2d 1508 (1968), in support.

[7] According to Tel-Car, it has been requested by approximately 51 subscribers to offer the proposed service. Tel-Car avers that the above subscribers will be served initially and that it anticipates at least 100 subscribers for its proposed station within the first year. Thus, Tel-Car contends that because of the anticipated large number of prospective one-way subscribers, it cannot render additional one-way service through its existing authorized facilities without degrading its existing two-way service.

quency.[8] As the Board held in Airsignal International, Inc., supra, an applicant who already provides two-way service must, pursuant to Section 21.501(d)(2) of the Rules, give "full information" to show why paging could not be provided in connection with the base station facilities used for two-way communications.[9] Examination of Tel-Car's application, however, reveals that the applicant's showing in this regard is deficient since it is limited to a list of some fifty-one potential subscribers to the one-way system and the unsupported assertion that the applicant cannot render one-way service through its existing facilities at Flattop Butte, Idaho (KSV 957), without degrading its two-way service through such existing facilities. As discussed more fully in a related and analogous context in *Empire Communications Co.*, 47 FCC 2d 329, 30 RR 2d 649 (Rev. Bd. 1974), rev. denied FCC 75–479, a determination as to whether an existing licensee has an actual need for additional spectrum space must be based upon a two-step showing; the applicant must show the need of the public for its proposed service, as Tel-Car contends it has done, and, in addition, it must make a showing as to the capacity of its existing facilities which Tel-Car has not done.[10] As a related matter, since Tel-Car is an existing licensee seeking an additional channel at an existing Domestic Public Land Mobile radio station,[11] the applicant is also required to submit a more specifically prescribed showing as to "need" and "capacity" pursuant to Rule 21.516. *Airsignal International, Inc., supra; Associated Telephone Answering Systems, Inc.*, FCC 76–115, released February 19, 1976.[12] We hold, therefore, that the responsibility for complying with the requirements of both Sections 21.501(d)(2) and 21.516 of the Rules lies with Tel-Car.

5. ACCORDINGLY, IT IS ORDERED, That the motion for enlargement of issues, filed November 5, 1975, by Robert F. Ryder, d/b/a Radio Paging Service, IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

6. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following issue:

To determine, in accordance with Sections 21.501(d)(2) and 21.516 of the Commission's Rules, the nature and extent of DPLMRS services now being rendered by Tel-Car, Inc., and, in light thereof, whether a grant of Tel-Car's application would serve the public interest.

7. IT IS FURTHER ORDERED, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein SHALL BE on Tel-Car, Inc.

Adopted: February 20, 1976.

Released: February 25, 1976.

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

[FR Doc.76-6091 Filed 3-2-76;8:45 am]

[Docket No. 18875; FCC 76-161]

OVERSEAS COMMUNICATIONS

Future Licensing of Facilities; Guidelines for TAT–6 Cable Utilization

1. The broad purpose of this proceeding[1] is to establish policies and principles for the licensing of future cable and satellite facilities in conformance with the mandates of the Communications Act of 1934 and the Communications Satellite Act of 1962, with due regard to the concerns of the foreign administrations who are partners in providing international communications service. We continue at this stage to address ourselves to the requirements of the North Atlantic area.

2. Our actions today are intended to clarify existing Commission policies and guidelines, particularly as they relate to the use of the TAT–6 cable scheduled for operation in the summer of 1976.

BACKGROUND

3. At the outset, we believe it may be useful to restate and further clarify the basic policy objectives and guidelines which the Commission now employs in dealing with requests for authorization to construct or utilize additional communications facilities for international services. The Communications Act of 1934, which established this Commission and the basic policy and regulatory framework for the U.S. communications industry, states that its primary objective is "to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" (Section 1). That Act further requires that a U.S. communications carrier's rates be just, reasonable, and non-discriminatory, and empowers this Commission to conduct such hearings and investigations as are necessary to ensure that these objectives are achieved (Sections 201, 202, 204 and 205). Furthermore, the Communications Act requires that a carrier obtain from the Commission appropriate authorizations to construct and/or operate facilities to be used in establishing lines of communication, and requires that the Commission make a determination that authorization of such facilities will serve the public interest, convenience, and necessity (Sections 214 and 319).

4. In addition, the Communications Satellite Act of 1962 declared that "it is the policy of the United States to establish, in conjunction and in cooperation with other countries, * * * a commercial comunications satellite system, * * * which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding." The Satellite Act also mandates that communications satellite services be provided so as to reflect "the benefits of this new technology in both quality of services and charges for such services" (Section 101). In order to effectuate these policies, the Satellite Act directs the Commission, in addition to applying the applicable provisions of the Communications Act, to, *inter alia*, "prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services" (Section 201(c)).

5. Pursuant to these various statutory provisions, the Commission's primary consideration in authorizing construction and use of additional communications facilities must be to ensure that additional facilities are clearly required to satisfy traffic demand within the time frame of their proposed implementation; and that the facilities proposed represent the lowest cost means for meeting the combination of capacity requirements and service standards found to be appropriate.

6. In its 1971 Policy Statement regarding the authorization of additional transatlantic communications facilities, the Commission stated:

Upon consideration of the total record in this proceeding, including among other things, the foregoing statutory guidelines and the viewpoints of the foreign administrations, we are of the opinion that our decision herein should be made within the following framework of policy:

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

---

[8] Since this matter was not discussed in the designation Order, it is appropriate for Review Board consideration. *Atlantic Broadcasting Co. (WUST), supra.*

[9] Contrary to Tel-Car's assertion, this requirement has been held to be applicable to licensees seeking guard band frequencies in light of Section 21.516(b)(5), which requires applicants for additional facilities in any DPLMRS service to supply "such other additional information which may more accurately reflect channel loading, and any further information which may be applicable and pertinent to the application." *Airsignal International, Inc., supra.*

[10] Tel-Car's assertion regarding the feasibility of integrating its one and two-way facilities is unsupported. As noted again in *Airsignal*, the Commission views such integration as technologically feasible, absent a specific showing to the contrary.

[11] It is unnecessary to determine whether or not Tel-Car's facilities will be under simultaneous common control, since, by its terms Rule 21.516 applies to applicants seeking additional channel(s) of an existing DPLMRS facility.

[12] As pointed out in the *Empire Communications Co.* case, *supra*, the issue being added herein encompasses both the basic and comparative qualifications of the applicant.

[1] Notice of Inquiry (1970) 35 FR 10166, Statement of Policy and Guidelines (1971) 30 FCC 2nd 571. Further Notice of Inquiry (Released February 25, 1975) 53 FCC 2nd 121. Third Notice of Inquiry (Released October 21, 1975) 40 FR 50129, 40 FR 54607, October 25, 1976.

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service." (Paragraph 7)

7. With respect to the specific facilities then under consideration (i.e., TAT–6 cable and INTELSAT IV satellites), and having particularly in mind the needs at that time, the Commission further stated:

Presently foreseeable schedules for the installation of such a cable indicate that the Intelsat IV satellites and the transatlantic cables will be reasonably filled when the SG cable becomes operational. Under such circumstances, we do not believe that we should prescribe any fixed or rigid formulae for the rate or manner in which cables and satellites should be filled. Instead, we will authorize implementation of needed circuit facilities in line with the proposals of the European Administrations looking toward maintenance of reasonable parity between cable and satellite circuits on transatlantic routes. Such a course would assure maintenance of needed diversity between facilities as well as between media. (Paragraph 14)

8. This Commission does not, as a matter of policy, favor the use of one technology over another nor any predetermined distribution of traffic or transmission capacity among alternative technologies or suppliers. Our primary policy objective has been and remains the achievement and efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and service standards, irrespective of technology or supplier. However, we have on occasion found it necessary to impose distribution formulae regarding the use of established cable and satellite facilities, in order to ensure their effective and efficient utilization. Such actions on our part have been the direct result of, and an attempt to deal equitably with, apparently irreconcilable differences among U.S. carriers, as well as between U.S. carriers and their foreign correspondents, arising from their differing economic and operational incentives and interests.

9. U.S. international carriers may generally be classified as "retail" carriers who offer communications services directly to the public (i.e., AT&T and the international record carriers), and Comsat, which serves as a carrier's carrier supplying satellite circuits to the retail carriers. Both the retail carriers and Comsat have similar economic and operational incentives favoring the establishment and use of facilities in which they invest and over which they exercise control. Since the retail carriers are barred by the terms of the Communications Satellite Act from participating directly in the ownership of satellites, they naturally favor the establishment and use of cable facilities. Conversely, since Comsat is limited to participation in the Global Satellite System and has ownership in satellite facilities only, it naturally favors establishment and use of satellite facilities. In these circumstances, since Comsat is almost totally dependent on the retail carriers's use of its circuits, the distinct possibility exists for the latter to over emphasize the use of cable capacity and therefore underutilize available satellite capacity, to the extent that additional cable facilities may be proposed for diversity and reliability while satellite capacity remains under-utilized or unused. Such actions, if allowed, can also raise the average cost per circuit of satellite capacity, resulting in a self-sustaining justification for the establishment of additional cable facilities in lieu of satellite facilities.

10. While the underlying reasons may vary from country to country, the U.S. carriers' foreign correspondents also have varying economic interests regarding ownership and use of cable and satellite technology. Furthermore, since each international communications circuit is normally owned and/or provided jointly by the U.S. carrier and its correspondent (e.g., 50 percent by the U.S. carrier, 50 percent by its foreign correspondent), there frequently exists at least a 3-way debate (among Comsat, the primary U.S. carrier, and the foreign correspondent) concerning the proper mix of facilities to be established and/or used between U.S. and foreign locations—although normally the U.S. retail carrier and its foreign correspondent resolve any differences outside the scope of Commission proceedings. Given these fundamental economic considerations, and the nature of international operating arrangements, reconciliation of differences among the various participants may inevitably require the imposition of some formula for traffic distribution between cable and satellite facilities, despite our basic policy objectives.

11. The Commission, in coordination with other U.S. government agencies and the U.S. carrier industry, has recently established a consultative program with European and Canadian telecommunications entities in an effort to reconcile some of these differences through a greater exchange of information and views. It is to be hoped that this exchange will assist U.S., European and Canadian policy-makers to establish mutually compatible policies without impinging upon national sovereignties and economic independence.[2]

[2] We intend to explore areas for possible restructuring of operating arrangements which would afford a greater degree of autonomy to each nation in deciding on investment in and the utilization and pricing of international communications facilities and services. We have instructed the Commission staff participants in the transatlantic consultative program to seek a thorough discussion of possible means for relieving some of the differences noted.

GUIDELINES REGARDING THE USE OF THE TAT–6 CABLE

12. The following guidelines concerning the TAT–6 cable represent further elaboration and clarification of present policies for the use of that cable, and should provide the basis for the U.S. carriers to finalize negotiations with their European correspondents and submit appropriate applications in the near future.

13. Applications to construct the SG TAT–6 cable were filed by the participating U.S. International Carriers in late 1971 and early 1972 pursuant to our 1971 Statement of Policy and Guidelines. The Commission's Memorandum Opinion, Order and Authorization regarding the TAT–6 cable was adopted July 7, 1972.[3] Considerable discussion concerning the manner in which the TAT–6 cable should be utilized in conjunction with satellite facilities is contained in that Order. Consistent with the views expressed by U.S. carriers and their European correspondents, we found that the concept of diversity should definitely be included in the planning process, and that the concepts of reasonable parity and diversity were readily reconcilable. However, we noted that the proper application of these concepts to different overseas points would vary, depending upon the number of facilities available that could simultaneously be used between the U.S. and the points involved. Thus, we found no need at that time to prescribe specific formulae or rules concerning the manner in which available circuitry should be utilized. Since European correspondents had strongly and universally advocated the use of multiple routes to avoid concentrating too great a proportion of traffic on a single facility, we fully expected that they would either construct their own earth stations or arrange to use earth stations in a neighboring country in order to divide their traffic growth somewhat evenly among the two high capacity satellites and the TAT–6 cable which would be available in this time frame. Accordingly, we indicated that in these circumstances we would expect the U.S. carriers to agree to use the available facilities in this manner.

14. Where European or other foreign correspondents did not construct or arrange to use two antennas for Atlantic Basin service, we expected that they would diversify by dividing traffic between the one satellite and TAT–6, and that the U.S. carriers would again agree to such arrangements. Regarding countries situated at great distances from the landing point of the TAT–6 cable and desiring to rely more heavily on satellite facilities, we expected our carriers to respect such desires. However, for the reasons cited in paragraphs 9 and 10 above, we indicated that the U.S. carriers should not over-emphasize the use of the TAT–6 cable, or fill the cable first or at a disproportionate rate to the satellite facilities available.

15. While our 1971 Statement of Policies and Guidelines and our 1972 Order

[3] 35 FCC 2d 801.

authorizing U.S. carriers to participate in the TAT–6 cable provide guidelines for the manner in which the U.S. carriers should utilize that facility in conjunction with their European correspondents owning and operating the eastern end of the cable, it appears that further delineation of these guidelines would be useful at this time. Such further delineation is designed to enable the U.S. carriers to conduct negotiations with their European correspondents and file timely applications with the Commission that will minimize any misunderstanding and reduce conflicts arising in the processing of the applications.

16. In view of the foregoing and considering the Commission's Statement of Policy and Guidelines and its 1972 Memorandum Opinion, Order and Authorization on TAT–6, the U.S. carriers should undertake to reach agreements with their foreign correspondents regarding the utilization of the TAT–6 cable in accordance with the following guidelines:

1. Early agreement should be sought with the carriers' European correspondents regarding the circuit capacity available for growth on each satellite route serving U.S.-European traffic over the period 1976–80 (INTELSAT IV/IV–A satellites). This information should be considered with the TAT–6 circuit allocations between the U.S. and each European point so that a proper distribution of traffic over the available facilities can be agreed in accordance with the principles set forth in 2 and 3 below.

2. U.S. circuit requirements for traffic between U.S.–European points should be distributed among the TAT–6 cable and each Atlantic satellite route on a basis generally consistent with the capacity assigned and/or readily available for use in each facility between the U.S. and the respective European points. The activation plan should distribute growth traffic among the above routes so that a reasonable number of circuits will be maintained in each route to provide adequate diversity.

3. In determining the rate of growth to be implemented for each transatlantic facility, consideration should be given to the difference between the lifetimes of cables and satellites. Specifically, the principle of maintaining growth capacity should be followed, and the TAT–6 cable should not be unduly loaded in its early years while readily usable capacity remains in existing Atlantic Satellites having a much shorter lifetime than the TAT–6 cable and whose use would serve to defer the dates when TAT–6 circuits between U.S. and the respective destinations become saturated.

17. Underlying the foregoing guidelines are a number of factors. These include, notably, the need for diversity, the fact that the expected lifetime of satellites is much shorter than for cable, the economic impact on future planning of the manner of using existing facilities, and the need to avoid wasting circuits for which both United States and foreign investments have already been committed for operating and authorized satellites. The Commission will take all of these considerations—as well as appropriate considerations of international comity—into account in reaching a public interest determination on the U.S. carriers' applications for activation of TAT–6 cable circuits. Absent strong indications to the contrary, however, we fully intend to authorize circuit activations in sufficiently large quantities in each instance to avoid the necessity for frequent circuit activation requests to meet traffic growth.

18. Authority for the actions taken herein is found in sections 4(i), 214 and 403 of the Communications Act of 1934, as amended, and section 201(c) of the Communications Satellite Act of 1962, as amended.

Adopted: February 19, 1976.

Released: February 27, 1976.

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

[FR Doc.76–6088 Filed 3–2–76;8:45 am]

[Docket No. 20649, RM–2531]

NON-INTERCONNECTED DISTRIBUTION OF TELEVISION PROGRAMMING TO CERTAIN FOREIGN STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. The Commission has under consideration a "Petition for Extension of Time," filed on behalf of Columbia Pictures Industries, Inc., MCA, Inc., Paramount Pictures Corporation, United Artists Corporation, Twentieth Century Fox Films Corporation, and Warner Bros., Inc., (hereinafter referred to as "program suppliers"). The petition, filed with the Commission on February 17, 1976, seeks an extension of time up to and including April 1, 1976, in which to file comments in response to a Notice of Inquiry ("Notice")[1] adopted by the Commission in the above-captioned proceeding. Filing deadlines for comments and replies are presently February 27 and March 16, respectively.

2. In support of the petition, counsel for the program suppliers note that the Commission's Notice specifically requested program suppliers and producers to provide information with regard to the impact of the "Canadian prerelease practice upon the public interest. In preparing their response to the Notice, the program suppliers submitted a request[2] to the Commission's Research Branch seeking a composite analysis of financial information for U.S. stations located in certain markets along the U.S.-Canadian border. The program suppliers asserted that the requested information is of particular significance since the petitioning parties allege that the "prerelease" practice results in competitive harm to U.S. stations. In its petition, counsel for the program suppliers, noting that the presently effective filing date deadline is February 27, 1976, state that the financial information requested from the Research Branch will not be available, according to the Research Branch staff, until the end of February. Thus, the program suppliers urge that an extension of time is necessary in order that the requested information may be reviewed, analyzed, and incorporated into the comments.

3. We are of the view that the requested extension should be granted. The program suppliers consist of a group that will be significantly affected by actions taken in this proceeding and we wish to have the benefit of their detailed comments.

4. *Accordingly, it is ordered*, That the request for an extension of time in Docket No. 20649 filed by the program suppliers is granted, and that the deadlines for filing comments and reply comments in this proceeding are extended from February 27 and March 16, 1976, respectively, to and including April 1, 1976, and April 16, 1976, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: February 23, 1976.

Released: February 25, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–6087 Filed 3–2–76;8:45 am]

[1] 40 FR 50309, October 29, 1975, 40 FR 55902, December 2, 1976.

[2] The request was submitted by letter dated February 3, 1976, to Mr. Alexander Korn, Chief of the Research Branch, Federal Communications Commission.

FEDERAL ELECTION COMMISSION

[Notice 1976–18]

REPORTING CONTRIBUTIONS

Proposed Form

The Federal Election Commission publishes for public comment a sample form to be used by individuals and/or delegate-candidates in reporting contributions (not including contributions made to a political committee or candidate) and independent expenditures for communications expressly advocating the election (or defeat) of a clearly identified Federal candidate. [2 U.S.C. § 434(e).] The period of public comment will extend through March 8, 1976. Comments should be addressed to the Assistant Staff Director for Disclosure and Compliance, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

The Commission notes that the 1974 amendments to the Federal Election Campaign Act have occasioned significant changes in the form heretofore used. Every effort has been made by the Commission to keep the new form simple and comprehensible. Nonetheless, potential users should examine the form carefully with a view to improving it yet further. As has been the case with the publication of earlier Commission proposals, the Commission will welcome all comment and criticism, and will take such communications into consideration in revising the form in final edition.

Dated: February 27, 1976.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

FEC FORM 5
February 1976
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Report of Independent Expenditures or Contributions By Persons (Individuals and/or Delegate Candidates)

(2 U.S.C. 434(e))

Note: This report must be filed by persons who make contributions for the purpose of influencing Federal elections, or expenditures for communications which expressly advocate the election or defeat of a clearly identified Federal candidate, totaling more than $100 in a calendar year, (not including those made to, or at the request of any political committee or candidate). Such persons include (i) unauthorized delegate-candidates who spend more than $100 in a calendar year for communications advocating the election or defeat of a particular candidate; (ii) contributors of more than $100 to one or more unauthorized delegate-candidates. Reportable expenditures of delegate-candidates do not include the cost of delegate travel and/or subsistence. (This Report Is Not To Be Used By Political Committees.)

1(a) Name of Person (in full)

2 Identification Number

(b) Address (Number and Street)

3 This is a Report By

a ☐ Delegate Candidate
b ☐ Other Person

(c) City, State, and Zip Code

4 Type of Report (Check appropriate box)

(a) ☐ Amendment
(b) ☐ April 10 Report
(c) ☐ July 10 Report
(d) ☐ October 10 Report
(e) ☐ January 31 Report
(f) ☐ Pre-Election Report
(g) ☐ Post Election Report

SECTION A - Independent Expenditures or Contributions

5(a) Itemize Each Expenditure or Contribution in Excess of $100

Full Name, Mailing Address and Zip Code of Each Payee	Purpose of Expenditure or Contribution	Date (Mo/Date/Yr)	Amount	Candidate Association (if any)

(b) Subtotal of Itemized Expenditures/Contributions . . . . . $

(c) Subtotal of Unitemized Expenditures/Contributions . . . . . $

(d) Total Expenditures/Contributions . . . . . $

Submit additional information on separate continuation sheets appropriate labeled and attached to this Report

SECTION B - Source of Funds (if applicable)

If the above expenditures are made from sources other than personal funds (i.e., contributions, loans, etc.) attach separate sheet(s) identifying the full name, address and zip code, occupation, principal place of business, amount and date, for each contributor of more than $100.

6(a) Itemized Contributions (list attached) . . . . . $

(b) Unitemized Contributions (enter as total amount) . . . . . $

(c) Total Receipts . . . . . $

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

(Signature of Candidate) (Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

For further information contact: Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Instructions for Preparing FEC Form 5 (Section 434 e)

See Federal Election Commission Manual
For Additional Regulations and Instructions

General:

The following persons must file reports on FEC Form 5:

1. Each person who makes independent expenditures in an aggregate amount greater than $100 in a calendar year. "Independent expenditures" are expenditures for communications which advocate the election or defeat of a clearly identified Federal candidate, which are not made by, or at the request of, the candidate or the candidate's campaign committee.

2. Each unauthorized delegate-candidate who spends more than $100 in a calendar year for communications advocating the election or defeat of a clearly identified presidential candidate.

3. Each person who contributes more than $100 in a calendar year for the purpose of influencing Federal elections, including contributions to unauthorized delegate-candidates. (This does not include contributions made to a political committee or candidate.)

4. Each person who contributes or expends an aggregate amount greater than $100 in a calendar year for any combination of the purposes noted above.

Identification Number:

The Commission will supply an identification number upon receiving a first report, and will inform the person of it. This number should be used on all subsequent reports or correspondence.

Filing Dates:

Persons required to report on FEC Form 5 must file as follows:

(i) Unauthorized delegate-candidates who make campaign expenditures for communications advocating the election or defeat of a particular presidential candidate totalling more than $100 in a calendar year must report in the first quarter in which the $100 threshold is exceeded and in each subsequent quarter in which expenditures are made.

(ii) Contributors to unauthorized delegate-candidates must report contributions totalling more than $100 in a calendar year in the first quarter in which the $100 threshold is exceeded and in each subsequent quarter in which contributions are made.

(iii) Any other person (not including a political committee otherwise reporting or a candidate making expenditures on his own behalf) must report contributions and independent expenditures totalling more than $100 in a calendar year:
   (a) quarterly, beginning in the first calendar quarter in which the $100 threshold is exceeded.
   (b) in each subsequent quarter in which additional contributions and/or expenditures are made; and
   (c) ten days before an election or thirty days after an election, if contributions or independent expenditures are made after the close of the previous quarter.

Quarterly Reports must be filed by April 10, July 10, October and January 31.

Disclosure of Contributions and Expenditures:

1. The full name, address and zip code of the payee/recipient of an independent expenditure or contribution, the purpose, date, and amount must be disclosed for each contribution or expenditure greater than $100.

2. The name of the Federal candidate (if any) with respect to whom an independent expenditure or contribution is made must be disclosed under the category "Candidate Association".

3. An unauthorized delegate-candidate who receives a total of more than $100 in contributions from any one person must itemize these contributions on a separate sheet identifying: full name, address and zip code, occupation and principal place of business of the contributor, and the daet and amount of each contribution.

4. The total(s) of unitemized expenditures and/or contributions must be disclosed on lines 5(c), and 6(b) where appropriate.

5. A delegate-candidate's campaign expenses do not include costs for delegate travel and/or subsistence.

Title 2 U.S. Code

§441. Penalties for violations

(a) Any person who violates any of the provisions of this chapter shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) In case of any conviction under this chapter, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

[FR Doc.76-6122 Filed 3-2-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01011---	Oktieselskabet Det Ostasiatiske Kompagni: *Malacca.*
01015---	A/S Rederiet Odfjell: *Bow Alecto.*
01447---	Scotstoun Shipping Company, Limited: *Scotstoun.*
01449---	The Carin Line of Steamships Limited: *Cairnfreighter.*
01574---	Fearnley & Eger: *Fernleaf.*
01829---	Bayamon Tankers Corporation: *Gresham.*
01861---	BP Tanker Co., Ltd.: *British Ranger.*
01935---	Partnership between Steamship Co. Svendborg, Ltd. and Steamship Co. of 1912, Ltd.: *Alva Maersk.*
02038---	Polskie Linie Oceaniczne: *Marian Buczek.*
02284---	Gypsum Transportation Ltd.: *Gypsum King.*
02721---	Healy Tibbitts Construction Co.: *Mohawk.*
02949---	Valley Towing Service, Inc.: *MM-4, MM-5, MM-6.*
02977---	J. Ray McDermott & Co., Inc.: *Oceanic 93.*
03315---	Afran Transport Co.: *Java Sea.*
03482---	Ryutsu Kaiun K.K.: *Ryuwa Maru.*
03484---	Sanko Kisen K.K.: *Aiko Maru.*
04042---	Companhia de Navegacao Maritima Netumar: *Caicara, Amalia.*
04226---	National Marine Service Inc.: *N.M.S. No. 1906, N.M.S. No. 1950.*
04359---	Reederei Nord Klaus E. Oldendorf: *Nordmark.*
04543---	Mr. Iwao Miki: *Keifuku Maru No. 2.*
04601---	American Tunaboat Association: *San Juan, Marla Marie, Missouri, Independence.*
04625---	American Commercial Lines, Inc.: *R. H. O'Neill.*
04803---	Brent Towing Co. Inc.: *B-821, B-921, B-1120.*
05012---	Tynedale Shipping Co. Ltd.: *Oriental Educator.*
05123---	Kinkai Yusen Kabushiki Kaisha: *Musashi Maru.*
05180---	Navigazione Arnella: *Punta Bianca.*
05271---	Compania Chilena de Navegacion Interoceanica: *Ancud.*
05471---	Belcher Oil Co.: *Belcher No. 29, Belcher No. 30, Belcher No. 31, Belcher No. 32.*
05528---	Nakamura Kisen Kabushiki Kaisha: *Unkai Maru.*
05577---	Far Eastern Shipping Co.: *Panteleymon Lepeshinskiy, Mikhail Olminskiy, Prokopjevsk, Ho Chi Minh, Mekhanik Rybachuk, Henri Barbusse, Alexandr Tvardovskiy.*
05578---	Baltic Shipping Co.: *Indiga, Navales, Kingisepp, Yantarnyi, Irtyshles, Izhmales, Izhorales, Permles, Kostromales, Ladogales, Saldus, Kamales, Skeksnales, Yanales, Gus Khrustalnyi, Jose Diaz, Kaliningrad, Kapitan Gastello, Kharlov, Kimry, Koporye, Krasnoborsk, Baltika, Aleksandr Prokofyev, Professor Schyogolev, Professor Ribaltovski, Professor Khljustin, Professor Ukhov, Borovichi, Kegostrov, Morzhovets, Nevel, Estonia, Mikhail Kalinin, Pioner Vyborga, Sestroretsk, Kosmonavt Pavel Belyaev, Kosmonavt Vladislav Volkov, Zenit, Inzhener Bashkirov, Inzhener Machulskiy, Mekhanik Konovalov, Ivan Chernykh, Novaya Ladoga, Angarsk, Kamensk, Kolomna, Kolpino, Kuzminki, Ligovo, Lomonosovo, Sofya Perovskaya, Turku, Velikiy Ustyug, Voronezh, Hermes.*
05579---	Black Sea Shipping Co.: *Capitan Slipko.*
05984---	Sakhalin Shipping Co.: *Poronajsk, Paromay, Komsomoletc Sakhalina.*
06129---	Azov Shipping Co.: *Poltava.*
06130---	Northern Shipping Co.: *Kapitan Zamyatin.*
06566---	Occidental Petroleum Corp.: *Hooker Taft.*
06995---	Novorossiisk Shipping Co.: *Marshal Konev.*
07669---	Marine Leasing Corp., *White Sands.*
07843---	Northland Marine Lines Inc.: *Diamond Head.*
07851---	Panlyras Shipping Corp.: *Aspasia P. Lemos.*
07904---	Kabushiki Kaisha Koyo Gyogyo: *Koyo Maru No. 63, Daitoku Maru No. 5, Daiei Maru No. 51.*
08131---	Empresa Navegacion Caribe: *Bahia de Santiago De Cuba.*
08184---	Anangel Welfare Compania Naviera S.A.: *Evimeria.*
08377---	Tri-Ocean Shipping Corp. Ltd.: *Ivory.*
08468---	Vroon B.V. (Handels-en Scheepvaart Ond.): *Mediterranean Express, Scandinavian Express.*
08846---	Defteron Corp., Liberia: *Kavo Kolones.*
08853---	Interessentskapet Saga Kierra: *Carbo Sierra.*
08990---	Compagnie Navale des Petroles: *Roger Gasquet.*
09006---	Stena Line AB: Stena Normandica, *Stena Nordica.*
09375---	Eraclide S.P.A.: *Volere.*
09379---	Golden North Fisheries, Inc.: *Laney S.*
09503---	Sirines Shipping Co. S.A.: *Ziria.*
09670---	Mie Ken: *Shirochidori.*
09926---	Hani Shippng Corp.: *Vanilla, Brassia.*
10041---	Towa Shipping Corp.: *Angel.*
	S.A.: *Toyota No. 21.*
10093---	Universal Giant Shipping Co. Ltd. S.A.: *Tyota No 21.*
10268---	Kung Hoi Shipping S.A.: *Yue River.*
10443---	Oberon Maritime Co., S.A.: *Eva Sun.*
10487---	Swire Northern Offshore Corp.: *Pacific Worker.*
M-10740	Rivershores, Inc.: *Vessels not exceeding 19,733 gross tons.*
10758---	Orient Shipping Corp.: *Ekton.*
10774---	North East Pacific Shipping Co.: *Pacbaroness.*
10831---	Puerto Barrios Compania Naviera S.A.: *Dr. D. K. Samy.*
10876---	Polimaris Maritime Corp.: *Euromariner.*
10877---	Regent Pimpernel Shipping Inc.: *Regent Pimpernel.*
10895---	Akropolis Shipping Corp. S.A.: *Captain George.*
10896---	Dasonab Compania Naviera S.A.: *Nazeer.*
10910---	Naviera Peninsular S.A.: *Azuero Uno.*
10912---	Aris Shipping Enterprises Inc.: *Aris.*
10917---	Islamar Armadora S.A.: *Captain Lemos.*
10924---	Kwang Il Won Yang Fisheries Co., Ltd.: *No. 3 Dae Won.*
10932---	Costa de Marfil Compania Naviera S.A.: *Archontas.*
10937---	Bulk Stevedore Services, Inc.: *Bussco I.*
10939---	Marine Transport Corp.: *Stratus.*
10948---	Ganis Shipping Ltd.: *Judith Prosperity.*
10949---	Vicmar Sky Sea Carriers, Inc.: *Theodoros Giavridis.*
10951---	Transocean Petroleum Carriers, Inc.: *Cys Guardian.*
10953---	Globe Trade Inc.: *Globe Trader.*
10954---	Seahorse Shipping Co. Ltd.: *Eskimo.*
10955---	Monmouth Shipping Co. Ltd.: *Majestic.*
10956---	Ekavia Compania Naviera S.A.: *Ekavi.*
10958---	Hoko (Maldives) Corp.: *Coral Star No. 1, Coral Star No. 2.*
10959---	Hyoji Miyamoto: *Seisho Maru No. 18.*
10960---	Scheepvaartmaatschappij Helimap N.V.: *Coria.*
10962---	K.K. Matsueisuisan: *Matsuei Maru No. 11.*
10963---	Kusuji Kato: *Seiyu Maru No. 2.*
10964---	Sataro Tanaka: *Toyohata Maru No. 23.*
10969---	Partrederiet AF 11/12-73: *Rosa Dania.*
10970---	Symphonic Navigation Co. S.A.: *Loversun.*
10972---	Taijiro Ikeda: *Taiki Maru No. 3.*
10974---	Ainos Shipping Enterprises Ltd.: *Aegis Force.*
10975---	Storm Shipping Enterprises Ltd.: *Aegis Storm.*
10976---	Banner Shipping Enterprises Ltd.: *Aegis Banner.*
10977---	Elicon Shipping Enterprises Ltd.: *Aegis Beauty.*
10979---	Commercial Transports Navigation Corporation: *Aristeidis.*
10982---	Sameiet M/T Skaugum: *Skaugum.*
10983---	Cosima-Poseidon Schiffahrt GMBH: *Hektor, Achill, Columbus California, Columbus Canada, Columbus Caribic, Columbus Coromandel, Meistersinger, Parnassos, Hans Sachs, Adriano, Friesland, Columbus Capricorn.*
10986---	Katsurkura Gyogyo K.K.: *Shoei Maru No. 18, Shoei Maru No. 8.*
10987---	Pescamaro S.A.: *Pescamaro Uno.*
10988---	Kinji Okawa: *Kinei Maru No. 11.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6099 Filed 3-2-76;8:45 am]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such agreement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036

Agreement No. 3103-58(A) has been entered into by the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference for the purpose of amending (1) Article 15(a) of the conference agreement to provide that member lines may divulge confidential conference documents to the Federal Maritime Commission only pursuant to a lawful order thereof, and (2) Article 25 in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: February 27, 1976.

FRANCIS G. HURNEY,
Secretary.

[FR Doc.76-6089 Filed 3-2-76;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 150-62(A) has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan/Korea for the purpose of amending (1) Article 15(a) of the conference agreement to provide that member lines may divulge confidential conference documents to the Federal Maritime Commission only pursuant to a lawful order thereof, and (2) Article 25 in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: February 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6097 Filed 3-2-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

ARIZONA

Public Hearings

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Arizona. The first hearing will be held on March 12, 1976, in the Maricopa County Administration Auditorium, 205 West Jefferson Street, Phoenix. The second hearing will be held on March 13, 1976, in the City Council Chamber, 59 North McDonald Street, Mesa.

The hearings will commence each day at 9:00 a.m. and end at 12:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon small business, small manufacturers, minority business, education, Indian affairs, and senior citizens.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, NW., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-6102 Filed 3-2-76;8:45 am]

FEDERAL RESERVE SYSTEM

BLAIR BANCO, INC.

Formation of Bank Holding Company

Blair Banco, Inc., Blair, Nebraska, 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 80 percent or more of the voting shares of Blair Bank, Inc., Blair, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1976.

Board of Governors of the Federal Reserve System, February 24, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6064 Filed 3-2-76;8:45 am]

CLEVETRUST CORPORATION

Acquisition of Bank

CleveTrust Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent or more of the voting shares of the successor by merger to The Savings Deposit Bank Company, Medina, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit views in writ-

ing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 25, 1976.

Board of Governors of the Federal Reserve System, February 25, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6065 Filed 3-2-76;8:45 am]

ROARING FORK BANCORPORATION

Formation of Bank Holding Company

Roaring Fork Bancorporation, Carbondale, Colorado, 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 80 percent or more of the voting shares of Roaring Fork Bank, Carbondale, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 18, 1976.

Board of Governors of the Federal Reserve System, February 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6066 Filed 3-2-76;8:45 am]

VERMILLION BANKSHARES, INC.

Formation of Bank Holding Company

Vermillion Bankshares, Inc., Vermillion, Kansas, 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 80 per cent or more of the voting shares of Vermillion State Bank, Vermillion, Kansas. 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)).

Vermillion Bankshares, Inc., Vermillion, Kansas has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and Company Act (12 U.S.C. 1843(c)(8) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Vermillion Valley Insurance Agency, Vermillion, Kansas. Notice of the application was published on January 29, 1976 in The Frankfort Index, a newspaper circulated in Marshall County, Kansas.

Applicant states that the proposed subsidiary would engage in the activity of conducting a general insurance agency business in a community that has a population not exceeding 5,000. Such activities have been specified by the Board in § 225.4 of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 25, 1976.

Board of Governors of the Federal Reserve System, February 25, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-6067 Filed 3-2-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 18, 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 and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request for approval of form FEA U-516-S-O entitled, Application Form Development of a State Energy Conser- for Financial Assistance to States for Development of a State Energy Conservation Plan. The Energy Policy and Conservation Act, Public Law 94-163, provides in part for the creation of the State Energy Conservation Program and authorizes financial and technical assistance to participating states. The submitted form is required for states to reserve financial assistance in developing a state conservation pan.

The Act requires within 60 days after enactment, that the Federal Energy Administration establish feasibility guidelines for the preparation of a State Energy Conservation Feasibility Report. Since these guidelines must be completed by February 20, and the application form was part of these guidelines, emergency clearance procedures were requested by FEA. FEA is using Standard Form 424 which is a uniform application form for all Federal grants-in-aid programs to state and local governments.

GAO agreed to process the standard application form under emergency procedures and granted clearance on February 20, 1976, under number B-181254 (RO356).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-6063 Filed 3-2-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-16]

CERTAIN ANGOLAN ROBUSTA COFFEE

Order Concerning Procedure for Determination and Action

Notice is hereby given that:

1. On February 25, 1976, Presiding Officer Will E. Leonard issued a Recommendation to Terminate and to Determine No Violation in United States International Trade Commission Investigation No. 337-TA-16, Certain Angolan Robusta Coffee, in which he recommended to the Commission that complainants' December 12, 1975, motion to terminate the above-captioned proceeding (U.S. International Trade Commission Motion Docket No. M-170), be granted with a determination that there is no violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), regarding the importation or sale of Angolan robusta coffee. On February 25, 1976, the Presiding Officer's Recommendation, which contains his findings forming the basis for the recommended termination and determination, was issued to the Commission and served upon all parties of record to the investigation. Copies of the February 25, 1976, Presiding Officer's Recommendation to Terminate and to Determine No Violation are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

2. The Commission will now review Presiding Officer Leonard's Recommendation and take whatever action is appropriate. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions and alternative recommendations, with briefs in support thereof, to Presiding Office Leonard's Recommendation to the Commission. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

Issued: February 27, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-6152 Filed 3-2-76;8:45 am]

[Investigation No. 337-TA-9]

CERTAIN HYDRAULIC TAPPETS II

Order Concerning Procedure for Commission Action

Notice is hereby given that:

1. On Wednesday, February 11, 1976, Commissioner Ablondi (Presiding Officer) issued his Recommendation in this proceeding, recommending that the Commission grant complainant's motion for leave to dismiss its complaint without prejudice, and that the Commission terminate Investigation 337-TA-9. Copies of Commissioner Ablondi's Recommendation, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions to Commissioner Ablondi's Recommendation and submit alternative recommendations. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

3. Briefs filed concerning exceptions to and alternatives for Commissioner Ablondi's Recommendation shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 C.F.R. 201.8, and in addition, be of no more than 25 pages. Such briefs shall be filed no later than March 15, 1976.

Issued: February 27, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-6150 Filed 3-2-76;8:45 am]

[Investigation No. 337-TA-5]

CHAIN DOOR LOCKS

Order Concerning Procedure for Commission Action

On Monday February 23, 1976, Complainant Ideal Security Hardware Corp. (Ideal) filed a Motion for Oral Argument, docketed M-199 on the Commission's motions docket. On the same day, Respondent Ilco Corporation (Ilco) filed a Motion for Dismissal. It is docketed M-201 on the motions docket. Copies of both motions, and related papers such as supporting memoranda, are available for public inspection during official working hours at the Office of the Commission Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

In order to comply with statutory time limits upon section 337 investigations, and to maintain orderly pleadings in this proceedings: *It is hereby ordered:*

1. All parties and persons having a substantial interest in this proceeding shall have until March 3, 1976 to file responses, if any, to Ileal's motion docketed as M-199.

2. Parties and persons having a substantial interest in this proceeding who wish to respond to Ilco's motion docketed as M-200 shall file their responses, if any, not later than March 8, 1976. Such responses may be incorporated in briefs and other submissions previously noticed in this proceeding for that date. See Notice and Order issued February 13, 1976. No separate oral argument will be had on Ilco's motion.

3. This Notice and Order will be published in the FEDERAL REGISTER and served upon the parties of record and upon the Departments of Justice and Health, Education & Welfare and the Federal Trade Commission.

Issued: February 27, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-6151 Filed 3-2-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-5125]

EAST WEST UNITED INVESTMENT COMPANY

Notice of Issuance of a License To Operate as a Small Business Investment Company

On December 12, 1975, a notice was published in the FEDERAL REGISTER (40 FR 57874) stating that East West United Investment Company, located at 1340 Old Chain Bridge Road, Room 306, McLean, Virginia 22101, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1975) 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.

Interested parties were given until the close of business December 29, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 03/03-5125 to East West United Investment Company, on January 22, 1976, to operate as a small business investment company pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Programs Number 59.011 Small Business Investment Companies)

Dated: February 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-5975 Filed 3-2-76;8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL

Public Meeting

The Louisville District Advisory Council will hold a public meeting beginning at 8:30 a.m., Thursday, March 25 and 9:00 a.m., Friday, March 26, at Lake Barkley State Resort Park, Cadiz, Kentucky, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information, write or call R. B. Blankenship, Small Business Administration, 188 Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202, (502) 325-5978.

Dated: February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-5971 Filed 3-2-76;8:45 am]

[Declaration of Disaster Loan Area #1208; Amendment #1]

MAINE

Declaration of Disaster Area

In addition to previously declared counties (see 41 FR 7601), Penobscot, and adjacent counties within the State of Maine constitute a disaster area because of damage resulting from flooding and high winds on February 2, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 12, 1976 and for economic injury until the close of business on November 12, 1976 at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

Dated: February 25, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-6015 Filed 3-2-76;8:45 am]

[License No. 05/05-5109]

Notice of Issuance of License To Operate as a Small Business Investment Company

NIA CORPORATION

On October 30, 1975, a notice was published in the FEDERAL REGISTER (40 FR 50579) stating that NIA Corporation, located at 2400 South Michigan Avenue, Chicago, Illinois 60616, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1975) 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.

Interested parties were given until the close of business November 14, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 05/05-5110 to NIA Corporation on February 12, 1976, to operate as a

small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-5976 Filed 3-2-76;8:45 am]

OMAHA DISTRICT ADVISORY COUNCIL

Public Meeting

The Omaha District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, March 25, 1976, at the SBA Office in the Federal Building, 215 North 17th Street, Omaha, Nebraska 68102, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call Rick S. Budd at the above address, (402) 864-3620.

Dated February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-5972 Filed 3-2-76;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Public Meeting

The San Francisco District Advisory Council will hold a public meeting at 10:00 a.m., Friday, March 26, 1976, at the Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102, in the SBA Conference Room, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information write or call David C. Emery, Acting District Director, at the above address, Box 36044, (415) 556-7490.

Dated February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-5974 Filed 3-2-76;8:45 am]

WASHINGTON, D.C. DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Washington, D.C. District Advisory Council will hold a public meeting at 10:15 a.m., Friday, March 26, 1976, in Suite 250, Executive Building, 1030 15th Street, NW., Washington, D.C. 20417, to discuss such business as may be presented by members, staff of the Small Business Administration and others present. For further information, write or call Frank H. Proudfoot at the above address, (202) 382-3345.

Dated: February 24, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-5973 Filed 3-2-75;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, April 8, 1976
Thursday, April 22, 1976
Thursday, May 6, 1976
Thursday, May 20, 1976
Thursday, June 3, 1976
Thursday, June 17, 1976

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial of financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, D.C.

Dated: February 27, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.7-6147;Filed 3-2-76;8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76P-0047]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Extension of Variance to CGR Medical Corp.

Pursuant to § 1010.4 (21 CFR 1010.4) of the regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968, concerning the granting of variances to electronic products for which there are performance standards promulgated pursuant to section 358 of the act (42 U.S.C. 263f), notice is hereby given that an extension to Variance No. 74001 has been granted by the Director, Bureau of Radiological Health (the Director), Food and Drug Administration, to CGR Medical Corp., 2519 Wilkens Ave., Baltimore, MD 21203. Approval of this variance was originally announced in the FEDERAL REGISTER of May 22, 1974 (39 FR 17988).

This variance applies to removable, fixed-aperture, beam-limiting devices for use with the Senographe mammography unit, a diagnostic x-ray system marketed by the applicant. The Director has concluded that, under the conditions imposed in granting the original variance, the electronic products will continue to provide radiation protection equal to that provided by products meeting all applicable requirements of the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30). Further, the provisions of Variance No. 74001 are being incorporated into a proposal to amend § 1020.31 (21 CFR 1020.31) of the performance standard for diagnostic x-ray systems in order that systems of the type covered by the variance, which provide equivalent radiation protection, would be in compliance with the performance standard. This variance expired on August 1, 1975, and was not previously extended because it was incorrectly assumed that an official bureau advisory opinion on mammography equipment authorized the continued manufacture of the equipment according to the terms of the variance.

The Director has determined that an extension should be granted for Variance No. 74001, effective on April 2, 1976, and covering the period from the expiration of the variance on August 1, 1975, until April 4, 1977, unless written objections and supporting information are filed with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, on or before April 2, 1976, requesting that the extension not be granted. Upon receipt of such objections and supporting documentation, the effective date of the extension will be stayed until the Director rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review pursuant to section 358(d) of the act. The application for this

variance extension, the original variance application, and all related correspondence are available for public disclosure in the office of the Hearing Clerk, except for information covered by the confidentiality provisions of section 360A(e) of the act.

Dated: February 26, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6019 Filed 3-2-76;8:45 am]

PULMONARY-ALLERGY AND CLINICAL IMMUNOLOGY ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Pulmonary-Allergy and Clinical Immunology Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond February 17, 1976.

Authority for this commitee will expire February 17, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 25, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6020 Filed 3-2-76;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases, April 20-21, 1976 (times below), at the National Institutes of Health, Conference Room 6, Building 31, Bethesda, Maryland.

The entire meeting, which will be open to the public both days from 8:30 a.m. to 5:30 p.m. at the above address, is being held to have a final review of the Arthritis Plan.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program N. 13.846, National Institutes of Health)

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-6076 Filed 3-2-76;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the Federal Register on February 26, 1976(41 FR 8411).

The original notice stated the committee as meeting for one day, March 29, 1976, but because the number of contract proposals cannot be processed in one day, the Committee will also meet on March 30, 1976, in Conference Room 10, Building 31, NIH, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 10 a.m. on March 29 and 30 to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10 a.m. to 5 p.m. both days for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

[FR Doc.76-6075 Filed 3-2-76;8:45 am]

CANCER INSTITUTIONAL FELLOWSHIP REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the Cancer Institutional Fellowship Review Committee and its Subcommittees, April 7-10, 1976, Queen Mary Hyatt Hotel, Long Beach, California.

These meetings will be open to the public to discuss administrative details from 8:30 a.m. to 9:00 a.m. on the dates specified in the notice. Attendance by the public will be limited to space available. These meetings will be closed thereafter until adjournment in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), for the review, discussion and evaluation of individual initial pending grant applications. The closed portions involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708).

Name	*Date*
Subcommittee on Epidemiology	April 7
Subcommittee on Viral Oncology	April 7
Subcommittee on Radiation	April 7
Subcommittee on Carcinogenesis	April 7
Subcommittee on Chemotherapy	April 8
Subcommittee on Drug Development	April 8
Subcommittee on Immunology	April 8
Subcommittee on Tumor Biology	April 8
Multisdisciplinary Subcommittee	April 9
Cancer Institutional Fellowship Review Committee	April 10

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institute of Health.

(Catalog of Federal Domestic Assistance Number 13.398)

[FR Doc.76-6072 Filed 3-2-76;8:45 am]

CHEMICAL/BIOLOGICAL INFORMATION-HANDLING REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, 9:00 A.M., March 30, 1976, National Institutes of Health, Bldg. 31, Rm. 6A-21, 9000 Rockville Pike, Bethesda, Maryland. This meeting will be open to the public from 9:00 A.M. to 1:00 P.M. during the introductory remarks and discussion of plans for future growth in the PROPHET System user community and eligibility criteria for access to the PROPHET System. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 94-463 the meeting will be closed to the public from 1:00 P.M. to adjournment for the review of research prospectuses submitted by organizations seeking access to PROPHET System services. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on these individual research prospectuses which contain information of

a proprietary or confidential nature, including research protocols and other technical information on the subject of applications of computers to research in pharmacology and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B–39, Bethesda, Maryland 20014, telephone Area Code 301, 496–5545, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A–04, Bethesda, Maryland 20014, telephone Area Code 301, 496–4903, will furnish substantive program information.

Dated: February 26, 1976.

[SEAL] SUZANNE L. FREMEAU
Committee Management Officer,
National Institute of Health.

(Catalog of Federal Domestic Assistance Program No. 13.877, National Institutes of Health.)

[FR Doc.76-6069 Filed 3-2-76;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Advisory Committees Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Managemnt Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon reqeust. Other information pertaining to the meeting can be obtained from the Excutive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: National Prostatic Cancer Project Working Cadre.
Dates: April 11–12, 1976; 10:00 a.m.
Place: Sheraton Harbor Island Hotel, 1590 Harbor Island Boulevard, San Diego, California.
Times: Open: April 11, 10:00 a.m.–10:30 a.m. Closed: April 11, 10:30 a.m.–5:00 p.m. Closed: April 12, 9:00 a.m.–adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo, address: Westwood Building, Room 855, National Institutes of Health, Phone: 301/496–7194.
(Catalog of Federal Domestic Assistance Number 13.391)
Name of Committee: National Pancreatic Cancer Project Working Cadre.
Dates: April 12–13, 1976; 7:00 p.m.
Place: New York Sheraton Hotel (Gotham Room), 870–7th Avenue, New York, New York.
Times: Open: April 12, 7:00 p.m.–7:30 p.m. Closed: April 12, 7:30 p.m.–10:00 p.m. Closed: April 13, 8:30 a.m.–adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. David L. Joftes, address: Westwood Building, Room 853, National Institutes of Health, Phone: 301/496–7194.
(Catalog of Federal Domestic Assistance Number 13.391)

Dated: February 27, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6071 Filed 3-2-76;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Advisory Committees Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other techncial information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. Mrs. Marjorie F. Early, Committee Management Office, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Name of Committee: Committee on Cancer Immunobiology.
Dates: April 5, 1976; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 5, 2:00–2:30 p.m. Closed: April 5, 2:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mrs. Judith M. Whalen, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Committee on Cancer Immunodiagnosis.
Dates: April 6, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 6, 1:00–1:30 p.m. Closed: April 6, 1:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mrs. Judith M. Whalen, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Virus Cancer Program Scientific Review Committee B.
Dates: April 7, 1976; 9:00 a.m.
Place: Frederick Cancer Research Center, Frederick, Maryland, Building 426—Conference Room.
Times: Open: April 7, 9:00 a.m.–9:30 a.m. Closed: April 7, 9:30 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Elke Jordan, address: Building 37, Room 1A01, National Institutes of Health, phone: 301/496–6927.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Committee on Cytology Automation.
Dates: April 8–9, 1976; 9:00 a.m.
Place: Building 31A, Room Conference Room 4, National Institutes of Health.
Times: Open: April 8, 9:00 a.m.–10:00 a.m. Closed: April 8, 10:00 a.m.–5:00 p.m. Closed: April 9, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Bill Bunnag, address: Building 10, Room 1A21, National Institutes of Health, phone: 301/496–5282.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of committee: Biometry and Epidemiology Contract Review Committee.
Dates: April 20–21, 1976; 7:00 p.m.
Place: Landow Building ROOM, C418 (April 20), Building 31A ROOM Conference Room 4, (April 21).
Times: Open: April 20, 7:00 p.m.—11:00 p.m., Closed: April 21, 8:30 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mr. Harvey Geller, address: Landow Building, Room C519, National Institutes of Health, phone: 301/496–6014.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Combined Modality Committee.
Dates: April 21, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open: April 21, 8:30 a.m.–9:00 a.m. Closed: April 21, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Harry Handelsman, Address: Building 37, Room 6D28, National Institutes of Health, phone: 301/496–1774.
(Catalog of Federal Domestic Assistance Number 13.825)
Name of Committee: Clinical Trials Committee.
Dates: April 22, 1976; 8:30 a.m.

Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: April 22, 8:30 a.m.–9:00 a.m.
Closed: April 22, 9:00 a.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Todd H. Wasserman,
Address: Building 37, Room 6D28, National Institutes of Health, phone: 301/496–1774.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Committee on Cancer Immunotherapy.
Dates: April 22, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Times: Open: April 22, 1:00 p.m.–1:30 p.m.
Closed: April 22, 1:30 p.m.—adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Harriet Gordon, address: Building 10, Room 4B17, National Institutes of Health, phone: 301/496–1791.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Carcinogenesis Program Scientific Review Committee A.
Dates: April 22–23, 1976, 9:00 a.m.
Place: Building 37, Room 1B04, National Institutes of Health.
Times: Open: April 22, 9:00 a.m.–9:30 a.m., Closed: April 22, 9:30 a.m.–5:00 p.m., Closed: April 23, 9:00 a.m.—adjournment.
Agenda/Open portion: To discuss program information.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Allen H. Heim, address: Landow Building, Room A306, National Institutes of Health, phone: 301/496–1881.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Carcinogenesis Program Scientific Review Committee B.
Dates: April 22–23, 1976, 9:00 a.m.
Place: Building 31B, Conference Room 5, National Institutes of Health.
Times: Open: April 22, 9:00 a.m.–9:30 a.m., Closed: April 23, 9:30 a.m.–5:00 p.m., Closed: April 23, 9:00 a.m.—adjournment.
Agenda/Open Portion: To discuss program information.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Marcia D. Litwack, address: Landow Building, Room A306, National Institutes of Health, phone: 301/496–5988.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Cancer Control Intervention Programs Review Committee.
Dates: April 23, 1976; 9:00 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open: April 23, 9:00 a.m.—9:30 a.m., Closed: April 23, 9:30 a.m.—adjournment.
Closure Reason: To review Research Contract Proposals.
Executive Secretary: Dr. Robert T. Bowser, address: Blair Building, Room 7A07, National Institutes of Health, phone: 301/427–7943.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Drug Development Committee.
Dates: April 26, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open: April 26, 10:00 a.m.—adjournment, Closed: April 26, 8:30 a.m.–10:00 a.m.
Agenda/Open Portion: To discuss the system for screening random submissions of synthetic materials, analog testing, consideration of a proposed prescreen for natural products, and other program matters of mutual interest.
Closure Reason: To review research contract proposals.
Executive secretary: Mrs. Naomi FitzGibbon, address: Blair Building, Room 5A03, National Institutes of Health, phone: 301/427–7337.

(Catalog of Federal Domestic Assistance Number 13–825)

Name of Committee: Virus Cancer Program Scientific Review Committee B.
Dates: April 26–27, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open: April 26, 9:00 a.m.–9:30 a.m., Closed: April 26, 9:30 a.m.–5:00 p.m., Closed: April 27, 9:00 a.m.—adjournment.
Closure Reason: To review Research Contract Proposals
Executive Secretary: Dr. Elke Jordan, address: Building 37, Room 1A01, National Institutes of Health, phone: 301/496–6927.

(Catalog of Federal Domestic Assistance Number 13.825)

Name of Committee: Developmental Therapeutics Committee.
Dates: April 28–29, 1976; 8:30 a.m.
Place: Building 37, Room 6B23, National Institutes of Health.
Times: Open: April 28, 8:30 a.m.–9:15 a.m., Closed: April 28, 9:15 a.m.–5:00 p.m., Closed: April 29, 8:30 a.m.–adournment.
Closure Reason: To review Research Contract Proposals.
Executive Secretary: Dr. J. A. R. Mead, address: Building 37, Room 5A15, National Institutes of Health, phone: 301/496–4386.

(Catalog of Federal Domestic Assistance Number 13.825)

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–6073 Filed 3–2–76;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, April 23 and 24, 1976, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on April 23 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 9:00 a.m. to adjournment April 24 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496–2116.

Dated: February 24, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–6077 Filed 3–2–76;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 1, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and for a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1978 budget in accordance with the provisions set forth in Section 552(b)(5) of Title 5 U.S. Code and 10(d) of Public Law 92–463.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information, transcripts of the open meeting and roster of committee members.

Dated: February 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76–6074 Filed 3–2–76;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEES A AND B

Notice of Renewal

The Director, National Institutes of Health, announces the renewal of two charters, February 1976, of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Virus Cancer Program Scientific Review Committees *A* and *B*.

Purpose: The Committees provide to the Director, NCI and the Director, Division of Cancer Cause and Prevention,

advice on the scientific excellence and technical competence of contract proposals. The Committees will terminate two years from the date of renewal, unless renewed by appropriate action as authorized by law.

Dated: February 23, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76-6070 Filed 3-2-76;8:45 am]

Public Health Service

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970, as amended) is amended in Section 6-B (Organization) to reflect reorganization of the National Center for Toxicological Research (NCTR). The functional statements for NCTR published in 39 F.R. 18701-18702 on May 29, 1974, are replaced in their entirety by the following amendment to Section 6-B:

* * * * *

(q) *National Center for Toxicological Research (NCTR)* (6A17). Conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment, emphasizing the determination of the adverse health effects resulting from long-term, low-level exposure to chemical toxicants; the determination of the basic biological processes for chemical toxicants in animal organisms; the development of improved methodologies and test protocols for evaluating the safety of chemical toxicants; and the development of data that will facilitate the extrapolation of toxicological data from laboratory animals to man.

Conducts such additional research programs as may make appropriate use of facilities and expertise of the Center and contribute to its overall scientific capability.

Develops, as a national resource, Center programs in close cooperation with other agencies such as the National Institutes of Health and the Department of Agriculture.

Operates with the advice of a Policy Board, consisting of members appointed by the Secretary of Health, Education, and Welfare and by the Administrator, Environmental Protection Agency. The Policy Board recommends program priorities, reviews program and research results, reviews budget requirements and allotments, recommends management policies, reviews qualifications of applicants for key positions, and advises agency heads on matters concerning the Center.

(q-1) *Office of the Director* (6A1701). Provides leadership and direction to assure the efficient and effective planning, performance, and evaluation of Center activities.

Provides leadership and direction to all Center research activities.

Provides for scientific liaison between the Center and all related interests in toxicological research, including the National Academy of Sciences, the National Science Foundation, and the worldwide academic, scientific, and medical communities.

Coordinates Center programs with similar in-house, grant, and contract programs of FDA, EPA, the National Institutes of Health, and other governmental toxicological research laboratories.

Assures the implementation of Departmental and Environmental Protection Agency policies concerning performance and quality of research efforts.

Monitors and evaluates performance of contractors supporting Center activities.

Provides leadership and liaison on a nationwide basis to scientific personnel and organizations concerned with biometric applications to toxicology.

Manages and provides biometric services to support and enhance the quality of Center research activities.

Directs and manages NCTR administrative management activities and the equal employment opportunity and employee safety programs.

(q-2) *Office of Program and Resource Planning* (6A17012). Assists the Policy Board, Director, and other key Center officials by providing strategic and operational planning, analysis and recommendations on policy developments, advice on resource management, solutions to operational problems, and identification and evaluation of program priorities.

Coordinates the development of Centerwide operational plans for the conduct of research activities.

Identifies and evaluates significant problems impeding effective operations of the Center.

Reviews and coordinates for review by the Policy Board, Director, and other officials, major program issues and studies impacting on the policy, organization, direction, and functions of the Center.

Assists in the evaluation of proposals for large-scale projects at the Center in terms of funds, space, equipment, and manpower.

Formulates and develops justification for the Center budget.

Develops and issues management procedures and directives to assure the efficient performance of Center activities.

Serves as the Center public information focal point.

(q-3)—(q-6) *Reserve.*

(q-7) *Division of Animal Husbandry* (6A17022). Provides and maintains an animal breeding capability for selected species and strains.

Maintains and cares for animal colonies used for breeding or research projects.

Establishes standards and administers procedures for barrier entry, animal handling, and observation, and for quarantine of animals purchased from suppliers.

Provides and operates support services necessary to maintain the infection-free quality of the barrier operations.

Prepares and administers diets of animals used for breeding and experimentation.

Collects pertinent information concerning the production and care of animals.

Maintains adequate inventories of supplies and materials necessary to support and care for the animals held.

(q-8) *Division and Microbiology and Immunology* (6A17023). Plans and conducts programs and provides guidance for solving specific and practical microbiological and immunological problems identified in connection with the carcinogenic, teratogenic, and mutagenic research.

Conducts applied research projects in the areas of microbiology and immunology.

Conducts research in the development and improvement of diagnostic procedures and the use of microorganisms as tools in determining the toxicity of chemicals and other useful purposes.

Develops and prescribes the implementation of sterilization techniques and procedures for the operation of the animal holding quarters and related laboratories.

(q-9) *Division of Diet Preparation* (6A17024). Operates a diet preparation facility capable of mixing chemical compounds into animal feed in varying levels; provides diets in large quantities for use or storage; maintains the sterility of diets prepared until used.

Establishes requirements for analysis of diets prepared to test the percentage of chemical compounds added, the vitamin content of prepared diets, and the presence of mycotoxins, pesticides, and chlorinated biphenyls in the feed.

Establishes a system of diet inventory control and utilization to monitor the demands for feed and chemicals at the Center.

(q-10) *Division of Facilities Engineering and Maintenance* (6A17025). Operates and maintains all environmental support systems, plants, buildings, and equipment required to support Center programs.

Prepares, in coordination with the Office of Administration, long- and short-range program plans for facilities requirements.

Develops renovation and improvement projects for the annual Agency work plan.

Develops and implements a preventative maintenance program for the Center with technical assistance and guidance from the Office of Administration.

(q-11) *Division of Chemistry* (6A17026). Develops new analytical methodologies in response to requirements formulated by other research divisions.

Operates an instrument laboratory to perform highly specialized analytical techniques.

Conducts studies to develop sensitive quatitative spectroscopic procedures.

Perfoms analytical toxicological studies utilizing a wide variety of sophisticated spectometric techniques.

(q–12) *Division of Scientific Information Systems* (6A17027). Innovates, designs, develops, and implements automated data systems tailored to Center needs.

Provides guidance and training to NCTR research and support personnel in the design and use of data collection and retrieval systems.

Manages and operates the Center computer facility and related services.

Acts as the NCTR focal point for the acquisition of automated data systems equipment and services.

Acts as a national resource for guidance and counsel in toxicological data system methodologies.

Serves as liaison with other ADP systems organizations within FDA.

Assures the overall integrity and capability of the Center ADP systems and procedures.

(q–13) *Division of Analytical Services* (6A17028). Manages and operates a chemical laboratory capable of providing routine analytical services for assurance of quality control and specialized instrumentation for isotopic and chemical residue studies.

Manages and operates a clinical biochemistry laboratory to determine routine blood hematological and biochemical parameters in support of *in vivo* bioassays.

Manages and operates a bacteriology laboratory for culturing and identifying airborne, enteric, and pathogenic bacteria and pathogenic fungi and molds to determine: the efficiency of the filtration system; the adequacy of feed, bedding, and other material sterilization; the efficiency of the barrier system itself; and the bacteriological, mycotic, and parasitic status of the animals behind the barrier.

Performs tests required to maintain the contamination-free quality of the barrier.

Maintains records on the environmental quality of the barriers and the operations therein.

(q–14) *Division of Carcinogenic Research* (6A17043). Conducts long-term studies to develop improved methods for evaluating exposure of experimental animals to possible life-shortening carcinogenic toxicants.

Determines and describes dose-time response relationships for specific chemical toxicants in experimental animals.

Conducts studies to develop biological and biochemical information, facilitating a better understanding of the mechanisms of toxic responses.

Innovates, designs, and develops new approaches and procedures that expand pathology capabilities for utilization in the assessment of the toxicity of compounds.

(q–15) *Divisions of Teratogenic Research* (6A17044). Conducts or sponsors studies to determine the effect of certain toxic chemicals on the progeny of exposed animals.

Expands positive findings into species reflecting human morphology.

Conducts studies on the placental differences of various species and the morphological similarities of the malformations produced as well as neurological effects.

(q–16) *Division of Mutagenic Research* (6A17045). Performs research aimed at developing testing procedures for evaluating mutagenic effects of chemical toxicants and, in particular, in developing improved methods for detecting genetic alteration.

Conducts research on improved methodology for screening chemical toxicants. Conducts research on developing techniques for mutagenic screening in mammals.

Provides project leadership for Center contracts on mutagenic research.

(q–17) *Division of Molecular Biology* (6A17046). Conducts studies on the kinetics and metabolism of chemicals which are prerequisite to the implementation of carcinogenic, teratogenic, and mutagenic experimentation.

Conducts studies comparing the pharmacodynamics of mice with that of other common laboratory animals, including rats, rabbits, and hamsters.

Conducts studies which will increase the ability to predict the metabolism and kinetics of distribution and elimination during all stages of life from conception to senility.

Develops animal methods which can be used to accurately extrapolate from animal to man.

Develops *in vitro* models which will serve as links in the assessment of toxic manifestations expected in mammals in general, and, in particular, in man.

Expands comparative physiology and biochemistry to nonhuman primates and other potentially applicable experimental species.

Develops protocols for safety evaluations of toxic chemicals.

* * * * *

JOHN OTTINA,
Assistant Secretary for Administration and Management.

Dated: February 24, 1976.

[FR Doc.76–6127 Filed 3–2–76;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 8 (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (40 FR 22859, May 27, 1975) is amended to reflect: (1) Changes in the program level of the Division of Cancer Research Resources and Centers (DCRRC) of the National Cancer Institute; and (2) the revision of the functional statement of the DCRRC to make explicit the Division's coordinating function.

Sec. 8–D Organization and Functions is amended as follows:

Under National Cancer Institute (8C00), following the statement for the Division of Cancer Cause and Prevention (8C11), delete the complete statement for the Division of Cancer Research Resources and Centers (8C12) and insert the following:

Division of Cancer Research Resources and Centers (8C12). (1) Plans and directs the Institute's grant-supported activities including research grants, centers grants, manpower training, and facilities construction; (2) recommends Institute policy relating to the administration of grant programs; (3) develops, reviews and coordinates plans and criteria for the implementation of grants and evaluates effectiveness of grant-supported activities in achieving the Institute's missions; (4) coordinates or assures coordination of grant-supported activities with related activities in other Divisions of the Institute; and (5) advises the Institute Director, the National Cancer Advisory Board, and other advisory bodies of grant applications and developments, as they apply to programs supported by contracts and to the overall mission of the National Cancer Institute.

Biological Research Program (8C1212). (1) Plans, directs, coordinates, and evaluates grant-supported activities in basic biological sciences relating to cancer biology and to cancer cause and prevention in multidisciplinary special programs through research grants and awards for support of scientific meetings; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decisionmaking meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director of the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Centers and Treatment Program (8C1214). (1) Plans, directs, coordinates, and evaluates grant-supported activities in preclinical and clinical research on cancer detection and diagnosis, and on cancer treatment, and supports cancer research centers and facilities construction through research grants, centers grants, construction grants, and awards for support of scientific meetings; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decision-making meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Training and Education Program (8C1216). (1) Plans, directs, coordinates,

and evaluates grant-supported activities in basic and clinical research manpower training through institutional and individual National Research Service Awards, Research Career Development Awards and Clinical Education and Clinical Training Awards; (2) recommends Institute policy regarding administration of these grants; (3) establishes program priorities, allocates resources, integrates the projects of the various branches of the program, evaluates program effectiveness, and represents program area in management and scientific decision-making meetings in the Institute; (4) coordinates program activities with related programs in other Divisions of the Institute; and (5) advises the Director of the Division and supports the activities of the National Cancer Advisory Board and other scientific advisory committees.

Dated: February 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-6126 Filed 3-2-76;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Establishment of Uniform Review Procedures

Under section 3 of Pub. L. 94-202, enacted on January 2, 1976, persons who were appointed as hearing examiners pursuant to paragraph (2) of subsection (d) of section 1631 of the Social Security Act, as amended (the Act), as in effect prior to the enactment of Pub. L. 94-202, may conduct hearings and render decisions with respect to hearings requested under titles II, XVI and XVIII of the Act, if the Secretary of Health, Education, and Welfare finds it will promote achievement of the objectives of these titles. Such hearing examiners shall be deemed to be hearing examiners appointed under section 3105 of title 5, U.S.C., and subject as such to all other pertinent provisions of title 5 applicable to individuals appointed thereunder. The appointment of Hearing Examiners covered by section 3 of Pub. L. 94-202 shall terminate no later than December 31, 1978.

Notice is hereby given that the Secretary has found that it will promote achievement of the objectives of titles II, XVI and XVIII of the Act for individuals appointed as hearing examiners, pursuant to paragraph (2) of subsection (d) of section 1631 of the Act, as in effect prior to the enactment of Pub. L. 94-202, to hold hearings and render decisions with respect to hearings requested under titles II, XVI and XVIII of the Act. Such individuals were initially appointed pursuant to the Secretary's finding of August 10, 1973, in which he found it necessary to direct that qualified individuals be appointed to serve as hearing examiners without meeting the specific standards prescribed for hearing examiners by or under Subchapter II of Chapter 5, U.S.C., in order to promote achievement of the objectives of title XVI of the Act. The purpose of this earlier finding was to provide sufficient numbers of qualified individuals to conduct hearings under title XVI.

The current finding is necessary to allow such hearing examiners to conduct hearings under titles II and XVIII of the Act, as well as under title XVI, in order to help the Social Security Administration's Bureau of Hearings and Appeals reduce a large number of hearings cases now pending. Accordingly, the Director, Bureau of Hearings and Appeals, Social Security Administration, shall have full authority to implement this finding, including authority to designate specific categories of cases to be assigned in rotation to the subject hearing examiners, in order to fully utilize their capabilities.

This finding is effective as of the date that notice there of is published in the FEDERAL REGISTER.

Dated: February 26, 1976.

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

[FR Doc.78-6021 Filed 3-2-76;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to:

Transfer the Division of General Services from the Office of Financial Management to the Office of Administration and rename it the Division of Administrative Management Services.

Establish the Division of Special Claims in the Office of Financial Management.

Revise the functional statement of the Division of Budget under the Office of Financial Management to more adequately reflect the assigned functions.

Revise the functional statement of the Division of State Grants Administration under the Office of Financial Management to more adequately reflect the assigned functions.

Transfer the responsibility for State and local training from the Division of Personnel to the Office of Special Initiatives and establish a Division of Training and State Manpower Utilization to cover that function.

Establish a Division of Quality Control Management in the Office of Special Initiatives to be responsible for the quality control management functions.

Revise the functional statements of the Office of Financial Management, the Office of Administration, and the Office of Special Initiatives to reflect the assigned functions.

For such purposes section 5.20-5R is amended as follows:

Delete the functional statement for the Office of Administration and its components i.e. Division of Manpower and Organization and Division of Personnel. Delete the functioanl statement of the Office of Financial Management and its components i.e. Division of Budget, Division of Finance, Division of General Services, Division of State Grants Administration, and Division of Project Grants Administration. Delete the functional statement for the Office of Special Initiatives and its component i.e. the Quality Control Management function. Insert in lieu thereof the following:

OFFICE OF ADMINISTRATION (5R11). Provides staff coordination, direction, leadership, and advice on administrative management functions of the Social and Rehabilitation Service. Coordinates the planning and operation of the administrative activities of the Social and Rehabilitation Service. Provides centralized support in personnel management, manpower utilization and organization and general services. Serves as the contact point for the Social and Rehabilitation Service with General Services Administration on general services matters.

Division of Manpower and Organization (5R1105). Serves as the consultative arm of the Social and Rehabilitation Service in the application of management practice and theory, and provides leadership, and guidance in the use of the agency's manpower. Conducts major reviews and evaluations of the organization, functions, manpower utilization, and procedures of all Social and Rehabilitation Service components, developing recommendations for improvements and assisting in the implementation of changes resulting from those recommendations. Responsible for directing the agency's manpower utilization program. Provides analysis of staffing requests from Social and Rehabilitation Service components and makes recommendations on the allocation and reallocation of available resources. Issues and maintains official manpower ceilings and monitors average grade.

Responsible for the clearance, approval and publication of the official Social and Rehabilitation Service organization and functional statements. Assists the agency's components in the development of those statements and maintains the official organization files for the Social and Rehabilitation Service. Advises in the development of the agency's delegations of authority for administrative and program responsibilities, provides for their clearance and promulgation, and maintains an official compilation of these authorities.

Division of Personnel (5R1103). Provides leadership, direction and control in developing and carrying out the personnel management and administration program for the Social and Rehabilitation Service. Participates in planning to meet current and future staffing requirements. Conducts technical personnel programs, including: Position classification; recruitment and staffing; employee development and training, employee

management relations; labor relations; and upward mobility in coordination with management needs and EEO goals. Evaluates and improves the effectiveness of the Social and Rehabilitation Service personnel management and administration.

Division of Administrative Management Services (5R1106). Provides leadership, direction and control in all administrative management services programs for the Social and Rehabilitation Service including: contract solicitation, award and administration; procurement management; personal and real property management; paperwork management; committee management; printing and reproduction services management; occupational health and safety management and related activities. Develops budget estimates and maintains funds control for a variety of administrative management services. Acts as policy and procedural liaison with Office of the Secretary components, other Department agencies, General Services Administration, Government Printing Office, Small Business Administration, Defense Contract Audit Agency, contractors and vendors for these activities. Conducts a continuing evaluation of administrative management services systems to assure compliance with law and regulations and makes appropriate improvements. Provides advice, assistance and training in these activities.

OFFICE OF FINANCIAL MANAGEMENT (5R10). Provides overall financial management for the Social and Rehabilitation Service and its programs. Functions of the office include staff leadership, guidance, and direction on: Budget development and execution; development of budget policies and procedures; accounting and auditing policies and procedures; project grant administration; and Public Assistance formula grant administration. Serves as the point of contact with the Office of the Secretary on financial matters.

Division of Budget (5R1102). Responsible for the preparation, presentation and execution of the total budget of the Social and Rehabilitation Service. Serves as the principal advisor to the Administrator and Executive Staff on all budgetary matters. Responsible for the development and operation of the Social and Rehabilitation Service budget system. Acts as liaison for the Administrator in budget matters with the Office of the Assistant-Secretary, Comptroller, the Office of Management and Budget, and the Congress and serves as the central coordination point for all budgetary matters. Develops cost data in coordination with Program Administrations and offices for activities funded under the Public Assistance, Work Incentives, and Salaries and Expenses appropriation accounts. Reviews proposed and existing legislation and assures the development of materials detailing budgetary impact on Federal/State requirements. Provides advice on reporting of program and financial data necessary for presentation and defense of budget requests. Serves as liaison with Office of Planning, Research, and Evaluation to assure that long-range plans and issues are adequately supported for translation into budget estimates and justification. Provides advice, guidance and assistance to Program Administrations and offices in the development of budget justification materials and analysis. Responsible for the submission of the quarterly status of funds report to the Congress. Provides assistance and guidance to the Social and Rehabilitation Service field staff in coordination with the Program Administrations and the Division of State Grants Administration concerning review and evaluation of State estimates of annual expenditures. Develops budget control systems necessary to assure appropriate measures are in place to prevent violation of the Anti-Deficiency Act. Maintains and monitors an allotment and allowance systems sufficient to pinpoint responsibility and accountability of Federal funds.

Division of Finance (5R1003). Responsible for the development, implementation, and administration of the Social and Rehabilitation Service accounting system. Establishes fiscal and accounting policies and procedures; reviews the adequacy and effectiveness of plans, policies, and accounting operations for the provision of financial data to the Social and Rehabilitation Service management, the Department, Office of Management and Budget, and Treasury. Develops appropriate procedures for ensuring that all financial commitments entered into are documented and recorded to meet the requirements of law, and are reported as valid obligations. Conducts a continuing evaluation of the financial system, implementing improvements to assure that the systems meet Social and Rehabilitation Service, the Department and regulatory requirements.

Division of Project Grants Administration (5R1004). Develops and publishes Social and Rehabilitation Service project grants administration policies and procedures including the implementation of HEW grants policy. Coordinates with other SRS elements on policy that affects both formula and project grants.

Provides grants administration services for all project grants awarded by the SRS Central Office, which include: Receiving applications; operating the project referral system; reviewing financial and expenditure reports; participating in review of applications; obtaining required clearances; preparing grant awards and correspondence; maintains records for fund control; maintaining grant files; providing information required for management and budgetary purposes; providing consultation to grantees, program elements, and regions; and resolving problems related to payment systems.

Provides training, technical assistance and guidance to regional project grants management staff.

Develops audit policies and standards for SRS and provides for the resolution of audit exceptions on project grants. Maintains a centralized project grants information system for all SRS project grants. Develops SRS forms and procedures to be utilized by SRS in coordination with the program elements. Establishes and maintains necessary obligation and expenditure control systems in coordination with program elements.

Division of State Grants Administration (5R1005). Maintains financial control over grants to States for Public Assistance and WIN support issued under titles I, IV Part A, VI, X, XIV, XVI, XIX, and XX of the Social Security Act. Administers the cost allocation and grant administration policy under 45 CFR Part 74. Develops cost control methods in coordination with Program Administrations for activities funded under the Public Assistance and WIN support grants. Reviews proposed and existing legislation and federal regulations, providing comments on the financial implications of proposals and developing implementing instructions to exercise the financial controls necessary for effective administration of the law and regulations. Provides technical assistance and guidance to the Social and Rehabilitation Service field staff in the financial review of Public Assistance and WIN support programs to determine the allowability of costs in accordance with regulations and approved State plans. Determines the amount to be paid to each State or jurisdiction for each quarter in accordance with section 3(b), 403(b), 603(b), 1003(b) 1403(b), 1603(b), 1903(d), 2002(b) of the Social Security Act based on determinations of allowability of State expenditures made by the Regional Commissioners; informs the Program Administration of such determinations and estimates; attempts to resolve all issues; refers unresolved issues to the Associate Administrator for Management for decision; and issues grant award notices. Maintains liaison with the General Accounting Office and the HEW Audit Agency. Provides a central point in the Social and Rehabilitation Service Central Office for coordination of action on General Accounting Office audit reports and for coordination of financial action on HEW Audit reports. Identifies evidence of inappropriate claims or payments under Public Assistance and WIN support grants and initiates action to correct reported deficiencies and to investigate the applicability of the specific findings to all expenditures made under such grants. Provides training, technical assistance and guidance to the Regional Staff concerning the maintenance of financial control over programs funded under Public Assistance and WIN support grants. Coordinates with the Regions on individual State problems. Outlines and reports on accomplishments of the Social and Rehabilitation Service objectives for financial control of programs funded under Public Assistance and WIN support grants. Reviews State requests under section 1116(d) of the Social Security Act for reconsideration of the Social and Rehabilitation Service Regional Commissioners' decisions disallowing Federal financial participation in any item or class of items claimed under titles

I, IV Part A, VI, X, XIV, XVI, XIX or XX which the Regional Commissioner has determined to be unallowable as assigned; and in coordination with the applicable Program Administration assures development of an adequate file for the Administrator's decision; provides staff support as necessary. Responsible for the analysis of current years operating cost against the forecasted cost as reflected in the State Agency Program Expenditures Report. In coordination with the Program Administrations prepares the quarterly reports and analysis of operations for submission through budgetary channels to the Congress.

Division of Special Claims (5R1007). Coordinates Social and Rehabilitation Service efforts in the resolution of major claims for Federal financial participation in Public Assistance Programs where major significant issues exist between the Social and Rehabilitation Service and the grantees. Responsible for the processing of all requests from the States for reconsideration by the Administrator under section 1116(d) of the Social Security Act of disallowance of expenditures. In coordination with the Regional Offices, Division of State Grants Administration, the applicable Program Administration and the State Agency assures development of an adequate file of all material which may have a bearing on the reconsideration decision. In coordination with the Division of State Grants Administration and/or the applicable Program Administration prepares or assures that an analysis of the various positions is performed and that a draft proposed decision is prepared. Assures that all proposed actions are coordinated with the Office of the General Counsel and the Office of Policy Control and Coordination. Provides staff support in all phases of the reconsideration process to the Administrator as required. Monitors actions required of the Regional Offices and the States in the resolution and retroactive claims to assure that necessary action is accomplished within scheduled time frames. Reviews draft reports of financial reviews of retroactive claims to assure that findings are based upon applicable law and regulations and that adequate review has been conducted to provide the basis for decision. Provides technical assistance to the Regional Commissioners and their staffs in their review and decision on retroactive claims. Prepares status reports to the Administrator and the Secretary and recommends corrective action as may be necessary. Provides technical assistance to the Regional Commissioners and their staffs in the resolution of deferred claims as may be requested. Prepares responses to inquiries from the Congress, Governors, and State Agencies for signature by the Secretary or the Administrator on State retroactive claims and requests for reconsideration under section 1116(d) of the Social Security Act. Provides technical assistance to the Department and the Department of Justice legal staffs in connection with litigation involving retroactive claims and judicial review of reconsideration decisions for Federal financial participation.

OFFICE OF SPECIAL INITIATIVES (5R1301). "Provides leadership and direction in planning and implementation of major management initiatives for improving the Federal-State management of Public Assistance Programs. Participates with the Program Administrations in the development and preparation of policies, standards and guidelines to accomplish program goals and objectives. Directs the development and preparation of plans to implement the assigned elements of the management initiatives and provides direction and leadership in carrying out the implementation plan. Directs the maintenance of a Federal Monitoring System to permit timely identification of progress, or problems areas impeding progress, and to indicate necessary corrective management action to solve problems.

In coordination with the Program Administrations provides program management leadership and guidance to the Regional Offices and coordinates with the regions on individual State problems. Directs the provision of training, consultations and technical assistance to the Regional Offices on assigned elements of the management initiatives. Provides the Social and Rehabilitation Service (SRS) and the Department management and other interested agencies periodic project appraisals and other information as required. Maintains liaison with other SRS activities and other Federal agencies concerned with Public Assistance Programs.

Plans, designs and directs the development of methods and systems to improve the effectiveness of State and local agency manpower utilization and the evaluation of State and local organizational structures and manpower requirements in the Public Assistance Programs in coordination with Program Administrations. Develops Social and Rehabilitation Service policy concerned with training of Social and Rehabilitation Service-related State and local employees and programmatic training of Social and Rehabilitation Service Federal employees in coordination with the Program Administrations. Directs the development of regulations on State and local training, State Merit Systems, and use of paraprofessionals. Develops Social and Rehabilitation Service-wide programs for manpower development and training in program related activities for Social and Rehabilitation Service and State staffs in coordination with Program Administrations.

Reports on a regular basis through the Associate Administrator for Management to the Administrator on the effectiveness, efficiency and impact of the Quality Control Program and recommends changes in policy guidance on Quality Control operations for Social and Rehabilitation Service programs to the Administrator.

Division of Training and State Manpower Utilization (5R1304). Responsible for the review and evaluation of the effectiveness of Social and Rehabilitation Service-related State and local agency manpower utilization in the Federal/State Public Assistance Program in coordination with the Program Administrations/Offices. Develops methods and systems to improve manpower utilization in coordination with the Program Administrations. Develops Social and Rehabilitation Service management procedures and guides to provide overall guidance to the States on organizational structures, manpower utilization and training for the Federal/State Public Assistance Programs in support of the Program Administrations. Provides technical assistance and consultation to the Program Administrations/Offices as required in program training matters. In coordination with Program Administrations develops regulations relating to State and local training under the Public Assistance formula grants and evaluates the effectiveness of these programs. Develops regulations on State Merit System and the use of paraprofessionals. Maintains the National Task Data Bank and provides assistance as required. Provides technical assistance and consultation to the Program Administrations and Regional Offices on appropriate individual State problems in the areas of manpower utilization, organization, and staff development. In participation with Program Administrations develops Social and Rehabilitation Service—wide programs for manpower development and training in program related activities for Social and Rehabilitation Service—related State and local staffs. Responsible for Social and Rehabilitation Service Emergency Planning.

Division of Quality Control Management (5R1302). Develops policies, standards and guidelines for the Federal/State Quality Control Systems, in coordination with Program Administrations. Directs the operations of various Quality Control Systems for improving the Federal/State management of Public Assistance Programs. Insures that the Quality Control system evaluates the accuracy and effectiveness of State and beneficiary compliance with Federal programs policies and standards. Directs the analysis of statistical and other operating data on Quality Control to determine trends and other information for Public Assistance Programs and Quality Control systems evaluation. In coordination with the Regional Offices reviews and assesses the effectiveness of State Aid to Families with Dependent Children (AFDC) and Medicaid Eligibility Quality Control Systems. Establishes and maintains the Federal monitoring system of State AFDC and Medicaid Eligibility Quality Control operations. Evaluates performance of the Regional Offices monitoring functions of the State AFDC and Medicaid Eligibility Quality Control operations. In coordination with the Medical Services Administration, monitors and evaluates the Regional Office performance of the Early, Periodic Screening, Diagnosis and Treatment (EPSDT) and Utilization Control Management surveys.

Provides consultation and technical assistance to the States and Regional Offices on the operation of the Federal/

State Quality Control System. Participates with the Program Administrations in the evaluation of corrective action programs to improve the administration of the Public Assistance Programs. Participates with Social and Rehabilitation Service Program Administrations in the development of regulations and policies for program administration.

Prepares reports for the Administrator on the effectiveness of the Quality Control Program and recommends changes in policy guidance as required.

Dated: February 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-6125 Filed 3-2-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[APP-4-05-O:D:T MC]

GLAZED CERAMIC WALL TILE FROM THE PHILIPPINES

Final Negative Countervailing Duty Determination

On August 26, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 37239). The notice stated that on the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47 (c)), a preliminary determination was made that bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended, (19 U.S.C. 1303) (referred to in this notice as the "Act") upon the manufacture, production or exportation of glazed ceramic wall tile from the Philippines. Measures preliminarily determined to constitute bounties or grants included an accelerated depreciation allowance, a reduction of income tax, and a duty exemption on imported capital equipment. Two programs were determined not to constitute a bounty or grant, and five other measures were found to be available but not currently utilized by glazed ceramic wall tile manufacturers/exporters.

The notice stated further that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views, or arguments submitted in writing within 30 days from the date of the notice with respect to the preliminary determination.

After consideration of all information received, it is hereby determined that exports of glazed ceramic wall tile from the Philippines to the United States are not subject to bounties or grants within the meaning of section 303 of the Act. Assurances have been received from the Government of the Philippines that the three measures which were preliminarily determined to constitute bounties or grants are no longer utilized by manufacturers/exporters of the subject merchandise imported into the United States from the Philippines.

None of the Philippine firms which benefit from these programs now export glazed ceramic wall tile to the United States. Should any such firms begin exportation to the United States, the Government of the Philippines has undertaken to notify the United States Government.

This notice is published pursuant to section 303 of the Act.

LEONARD LEHMAN,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

FEBRUARY 25, 1976.

[FR Doc.76-6101 Filed 3-2-76;8:45 am]

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Open Meeting

FEBRUARY 26, 1976.

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Commissioner's Advisory Group will be held on March 22 and 23, 1976, in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. The meeting will begin at 10:00 a.m. on March 22 and 9:00 a.m. on March 23. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3011, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-6129 Filed 3-2-76;8:45 am]

Office of the Secretary

[APP-2-04-O:D:T DC]

WATER CIRCULATING PUMPS, WET MOTOR TYPE FROM THE UNITED KINGDOM

Antidumping: Determination of Sales at Less Than Fair Value

Information was received on April 25, 1975, that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems from the United Kingdom, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of November 26, 1975 (40 FR 54843).

Determination of Sales at Less Than Fair Value: I hereby determine that, for the reasons stated below, water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination is Based: The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation*

It appears that all imports of the subject merchandise from the United Kingdom were manufactured by Sundstrand United Kingdom Ltd., King's Lynn, England. Subsequent to initiation of this investigation, Sundstrand United Kingdom, Ltd., sold its manufacturing facility in the United Kingdom to the Myson Group, Ltd. As there were no sales of the subject merchandise to the United States by the Myson Group, Ltd., during the investigatory period, the investigation was limited to Sundstrand United Kingdom, Ltd.

b. *Basis of Comparison*

For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between exporter's sales price and the home market price of similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used since all export sales appear to be made to a related United States purchaser. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Exporter's Sales Price*

For purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)) pricing information was obtained concerning imports of water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from the United Kingdom during the period February 1, 1975, through July 22, 1975.

In the import transaction, all of the merchandise was sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, within the meaning of section 204 of the Act. The exporter's sales price has been calculated on the basis of the price to manufacturers, f.o.b. plant, in the United States. Deductions have been made for differ-

ences in merchandise, transportation and other charges from the United Kingdom to the United States delivery point, additional labor and packing charges, inland freight and insurance in the United Kingdom, and selling expenses incurred in the United States.

The differences in the merchandise include a pair of valves sold with the pumps in the United States but separately imported from Sweden, and the ocean freight, insurance and United States duties incurred on the valves. Adjustments also have been made for differences between the model sold in the United States and the most similar model sold in the United Kingdom. Transportation and other charges which have been deducted are ocean freight, marine insurance, brokerage fees, inland freight in the United States, and United States duties. Adjustments have been made for repacking costs in the United States and for the labor involved in the repacking.

d. *Home Market Price*

For the purpose of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the price to original equipment manufacturers, f.o.b. manufacturer's plant. Adjustments have been made for transportation, warranty, insurance and packing costs, as appropriate, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for transportation and packing expenses relate to differences in packing costs between home market sales and export sales, and to inland freight and insurance involved in home market sales. Adjustments for warranty are for costs incurred on home market sales.

Adjustments for differences in circumstances of sale in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for interest costs and administrative expenses were not shown to bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Counsel for Myson Group, Ltd., requested that the investigation be discontinued pursuant to section 153.15, Customs Regulations (19 CFR 153.15), on the ground that Sundstrand United Kingdom, Ltd., is no longer manufacturing the subject merchandise in the United Kingdom for export to the United States. The question whether a change in the ownership of a manufacturing facility constitutes circumstances in which discontinuance is appropriate has been considered. The Secretary has concluded that the factual situation presented is not an appropriate case for discontinuance.

e. *Result of Fair Value Comparison*

Using the above criteria, exporter's sales price was found to be lower than the home market price of similar merchandise. Comparisons were made on all pumps sold in the United States during the period of the investigation. Margins were found, ranging from 3 to 42 percent on 99.87 percent of the sales compared.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

February 26, 1976.

[FR Doc.76-6100 Filed 3-2-76;8:45 am]

[Public Debt Series—No. 7-76]

TREASURY NOTES OF SERIES C–1980

Dated and Bearing Interest From March 17, 1976, Due March 31, 1980

FEBRUARY 27, 1976.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1980. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Friday, March 5, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 17, 1976, and will bear interest from that date, payable on a semiannual basis on September 30, 1976, and thereafter on March 31 and September 30. They will mature March 31, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal, or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches an at the Bureau of the Public Debt., Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Friday, March 5, 1976. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisons or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive

tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any of all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,000,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 17, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 17, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, March 11, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District, in the case of the Treasury, or (2) Tuesday, March 9, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where rgistered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

EDWIN H. YEO, III,
Acting Secretary of the Treasury.

[FR Doc.76-6206 Filed 3-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 10, 1976.

The USAF Scientific Advisory Board Executive Committee will hold meetings on April 27, 1976 from 8:30 a.m. to 5:15 p.m. and on April 28, 1976 from 8:30 a.m. to 1:00 p.m. The meetings will be held both days at the Officer's Club, Bolling Air Force Base, Washington, D.C.

The Committee will receive classified briefings and conduct classified discussions on current Air Force problems.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

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

[FR Doc.76-5969 Filed 3-2-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 24, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Advanced Committee on Advanced Composites will hold meetings on 22-23 March 1976 in the Pentagon, Washington, DC.

The Committee will receive unclassified informational briefings from NASA, US Army, US Navy and their programs in advanced composites, on March 22 from 8:30 a.m. to 5:00 p.m. and on March 23 from 8:30 a.m. to 10:30 a.m. This session will be open to the public, and interested persons may address the Committee concerning this program.

The Committee will conduct an executive session on March 23 from 10:30 a.m. to 5:00 p.m., to evaluate the information received in the earlier presentations, discuss preliminary findings and write initial draft inputs for possible inclusion in a final report. This session will concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraphs (5), and accordingly, will be closed to the public.

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

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

[FR Doc.76-5968 Filed 3-2-76;8:45 am]

Office of the Secretary

[United States Mission to NATO; APO New York 09667]

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 19 March 1976, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), Section 552(b) Title 5 USC.

The agenda topics will be: Trends in International Economics and Multi-National Industries, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO HQS NATO, 1110 Brussels, Belgium.

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

FEBRUARY 27, 1976.

[FR Doc.76-6008 Filed 3-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday March 15, 1976, starting at 9:00 a.m., in the Regional Office of the Federal Bureau of Prisons Conference Room, KCI Bank Building, 8800 NW. 112th Street, Kansas City, Missouri.

The Board will elect officers, discuss budget, discuss research strategy, and discuss further delineation of National Institute of Corrections missions.

Signed at Washington, D.C., this 27th day of February 1976.

SHERMAN R. DAY,
Director.

[FR Doc.76-6081 Filed 3-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, TURTLE MOUNTAIN RESERVATION, NORTH DAKOTA

Transfer of Federally Owned Lands

FEBRUARY 13, 1976.

This notice is published in exercise of authority by the Secretary of the Interior

to the Commissioner of Indian Affairs by 230 DM 2.

On November 6, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Denver Regional Administrator of the General Services Administration to the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, without reimbursement, to be held in trust for the benefit and use of the Turtle Mountain Band of Chippewa Indian Tribe, Turtle Mountain Reservation, North Dakota:

T. 162 N., R. 71 W., Fifth Principal Meridian, North Dakota.

Section 3, Lots 8, 9, SE¼SW¼, less that parcel described as follows: Commencing at the Section corner common to Sections 3, 4, 9 and 10; thence east along the south section line of said Section 3 a distance of 822.7 feet; thence north on a line parallel with the west section line of Section 3 a distance of 290.9 feet to the point of beginning of the parcel of land herein described; thence north on a line parallel with the west section line of Section 3 a distance of 600 feet; thence east on a line parallel with the south section line of Section 3 a distance of 600 feet; thence south on a line parallel with the west section line of Section 3 a distance of 600 feet; thence west on a line parallel with the south section line of Section 3 a distance of 600 feet to the point of beginning, the excepted parcel containing 8.26 acres, more or less.

Section 3, minerals only in and to the above described excepted parcel containing 8.26 acres, more or less.

Section 8, S ½ SW ¼ NE ¼ NW ¼, SE ¼ SE ¼ NW ¼ NW ¼, E ½ NE ¼ SW ¼ NW ¼, NW ¼ SE ¼ NW ¼.

Section 29, a tract of land in the SE ¼ described as follows: Beginning at the center corner of said Section 29 and running South 0°00' East 1,815.0 feet; thence South 90°00' East a distance of 573.8 feet; thence North 0°00' East 1,815 feet; thence North 90°00' West a distance of 573.8 feet to the point of beginning, EXCEPTING THEREFROM the W ½ W ½ SW ¼ NW ¼ SE ¼, the W ½ W ½ E ½ W ½ SW ¼ NW ¼ SE ¼, the SW ¼ SW ¼ NW ¼ NW ¼ SE ¼, and the W ½ W ½ SE ¼ SW ¼ NW ¼ NW ¼ SE ¼ of said Section 29, excepted parcel contains 3.90625 acres, more or less

T. 162 N., R. 70 W., Fifth Principal Meridian, North Dakota, Section 7, Lots 1, 4, W ½ NE ¼ containing 314.60 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Turtle Mountain Band of Chippewa Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-6013 Filed 3-2-76;8:45 am]

Bureau of Land Management

ALASKA

Notice of Segregation of Lands

FEBRUARY 25, 1976.

Notice is hereby given that pursuant to the act of May 24, 1928 (49 U.S.C. 211-214) the State of Alaska, Division of Aviation, has applied for an airport lease for land located in:

T. 37 S., R. 31 W., Seward Meridian. Metes and bounds description designated as Tract I, approximate area 50.41 acres, located within Lot No. 2 of U.S. Survey No. 4657, Alaska, lying and being within the Kodiak Recording District, Third Judicial District, State of Alaska.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to State Director, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-6014 Filed 3-2-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 10, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments should be submitted by April 2, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

GEORGIA

Dougherty County

Albany, *Sweet Home Place (M. W. Tompkins House)*, SW corner Lippitt Dr. and McKinley St.

Franklin County

Carnesville vicinity, *Cromer's Mill Covered Bridge*, 8 mi. S of Carnesville at Nails Creek.

Fulton County

Atlanta, *Atlanta University Center District*, roughly bounded by transit right-of-way, Northside Dr., Walnut, Fair, Roach, W. End Dr., Euralee, and Chestnut Sts.

Atlanta, *Baltimore Block*, 5-19 Baltimore Pl.

MAINE

Aroostook County

Van buren, *Violette House*, 464 Main St.

Cumberland County

Brunswick, *Federal Street Historic District*, roughly bounded by Mason, Maine, College, and Federal Sts.

Franklin County

Kingfield, *Winter, Amos G., House*, Winter's Hill

Kennebec County

Farmingdale, *Grant, Peter, House*, 10 Grant St.

Manchester vicinity, *Cobbosseecontee Dam Site*, S of Manchester off Pond Rd.

Knox County

Rockport, *Rockport Historic District*, irregular pattern along Pascal Ave. from Russell, Union and Winter Sts. on the N to School St. on the S

Lincoln County

Waldoboro, *Waldoborough Town Pound*, Washington Rd.

Oxford County

Andover vicinity, *Merrill-Poor House*, NE of Andover on ME 120

Sagadahoc County

Bath, *King, Gov. William, House*, Whiskeag Rd.

Somerset County

Bingham, *Bingham Free Meetinghouse*, S. Main St.

Washington County

Eastport, *Central Congregational Church*, Middle St.

MARYLAND

Baltimore (independent city)

Weiskittel-Roehle Burial Vault, Loudon Cemetery.

Baltimore County

Catonsville vicinity, *Patterson Viaduct Ruins*, S of Catonsville at Patapsco River (also in Howard County).

Garrett County

Deer Park, *Pennington Cottage*, Deer Park Hotel Rd.

Harford County

Aberdeen, *Poplar Hill*, 115 Poplar Hill Rd.

Havre de Grace, *Southern Terminal, Susquehanna and Tidewater Canal*, N of Erie St. between Conesteo St. and the Susquehanna River.

Howard County

Patterson Viaduct Ruins. Reference—see Baltimore County

Washington County

Hagerstown, *Price-Miller House*, 131-135 W. Washington St.

Hagerstown, *Western Maryland Railway Station*, Burhans Blvd.

MASSACHUSETTS

Essex County

Peabody, *Foster, Gen. Gideon, House*, 35 Washington St.

Middlesex County

South Lincoln, *The Grange Complex (Codman Estate and Farm)*, Codman Rd. (incorporates The Grange [Codman Estate] with Codman Farm)

MICHIGAN

Charlevoix County

Wood Site, Northern Chalevoix County

Charlevoix vicinity, *Garden Island Indian Cemetery*, N of Charlevoix

Delta County

Garden vicinity, *Winter Site*, SE Delta County

Ionia County

Lyons vicinity, *Lyons Prairie Site*, NE Ionia County

NEBRASKA

Otoe County

Nebraska City, *Morton-James Public Library*, 11th and First Corso Sts.
Nebraska City, *Nebraska City Historic District*, roughly bounded by 5th Ave., 3rd., 19th., and 1st Corso Sts.
Nebraska City, *Atoe County Courthouse*, 1st Corso St.
Nebraska City, *South Nebraska City Historic District*, roughly bounded by 4th, 11th, 1st Corso and 4th Corso Sts.
Nebraska City, *SW Nebraska City Historic District*, roughly bounded by 12th, 14th, 1st Corso, 6th Corso Sts.
Nebraska City vicinity, *Boscobel*, N of Nebraska City on Steamwagon Rd.

NEW JERSEY

Morris County

Moorestown vicinity, *Ivins-Conover House*, N of Moorestown on Cox Rd.

NORTH CAROLINA

Robeson County

Red Springs, *Macdonald, Flora, College*, bounded by 2nd Ave., College and Peachtree Sts.

VERMONT

Addison County

Orwell vicinity, *East Creek Archeological Site*, W of Orwell

Rutland County

Clarendon Springs, *Clarendon House*, off VT 133

VIRGINIA

Fluvanna County

Bremo Bluff vicinity, *Glen Arvon*, E of Bremo Bluff on VA 655

Richmond (independent city)

Blues Armory, NE corner of 6th and Marshall Sts.

Winchester (independent city)

Kurtz, Adam, House, NE corner of Braddock and Cork Sts. (HABS)

[FR Doc.76-5462 Filed 3-2-76;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1 p.m., (e.s.t.), March 19, 1976, at the Manitou Room, Sugar Loaf Village, Cedar, Michigan

The commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the commission are as follows:

Mr. Nobel D. Travis (Chairman)
Mr. John B. Daughterty
Mr. Carl T. Johnson
Mr. William B. Bolton
Mr. John D. Stanz
Mr. Charles H. Yeates
Mrs. C. R. Williams
Mr. Louis F. Twardzik
Mr. John H. Stahlin
Mr. Sam Eberly

The matters to be discussed at this meeting include:

1. Status of the Lakeshore land acquisition program.
2. Summer operation plans for the Lakeshore.
3. Plans for the Lakeshore YCC Camp.

The meeting will be open to the public. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635, telephone 616 352-9611. Minutes of this meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

Dated: February 25, 1976.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.76-6159 Filed 3-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A302]

DELAWARE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Sussex County, Delaware, as a result of excessive rainfall July 4 through July 25, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Sherman W. Tribbitt that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 6, 1976, for physical losses and November 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Adminisrator,
Farmers Home Administration.

[FR Doc.76-6028 Filed 3-2-76; 8:45 am]

[Designation Number A304]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Minnesota Counties as a result of various adverse weather conditions shown in the following chart:

1. Atkin: Excessive rainfall June 20 through July 4, 1975, and drought July 15 through August 15, 1975, caused severe damages and losses to hay, crops and pastures.
2. Benton: Excessive rainfall May 1 through June 30, 1975; drought July 1 through August 15, 1975, caused severe damages and losses to crops.
3. Brown: Drought June 23 through August 9, 1975, caused severe damages and losses to crops and vegetables.
4. Carlton: Excessive rainfall May 15 through June 30, 1975; drought July 10 through August 21, 1975, caused severe damages and losses to hay and crops.
5. Chippewa: Drought July 1 through August 31, 1975, caused severe damages and losses to crops and vegetables.
6. Isanti: Excessive rainfall June 1 through June 30, 1975; drought July 1 through August 10, 1975, caused severe damages and losses to hay and crops.
7. Kandiyohi: Drought July 1 through August 31, 1975, caused severe damages and losses to hay and crops.
8. Lac qui Parle: Drought July 1 through August 31, 1975, caused severe damages and losses to hay and crops.
9. Lincoln: Drought June 20 through August 22, 1975, caused severe damages and losses to crops, hay and pastures.
10. Lyon: Drought June 22 through August 10, 1975, caused severe damages and losses to hay and crops.
11. Redwood: Drought July 1 through August 31, 1975, caused severe damages and losses to hay, crops, and vegetables.
12. Renville: Drought July 10 through September 1, 1975, caused severe damages and losses to crops and vegetables.
13. Sherburne: Drought July 1 through August 20, 1975, caused severe damages and losses to hay and crops.
14. Stearns: Drought July 1 through August 31, 1975, caused severe damages and losses to crops.
15. Wadena: Drought July 1 through August 15, 1975, caused severe damages and losses to crops and vegetables.
16. Wright: Excessive rainfall May 15 through July 2, 1975; drought July 2 through August 19, 1975, caused severe damages and losses to hay and crops.
17. Yellow Medicine: Drought July 3 through September 1, 1975, caused severe damages and losses to crops.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6032 Filed 3-2-76;8:45 am]

[Designation Number A307]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Prentiss County, Mississippi, as a result of excessive rainfall March 11 through September 30, 1975, and a freeze November 13, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, DC, this 25th day of February 1976.

JOSEPH R. HANSON,
Acting Administrator
Farmers Home Administration.

[FR Doc.76-6029 Filed 3-2-76;8:45 am]

[Designation Number A301]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of natural disasters shown:

Nash County—severe drought May 1 to July 3, 1975; excessive rainfall July 4 to July 21, 1975; severe drought July 22 to September 1, 1975; and excessive rainfall October 1 to October 15, 1975.

Northampton County—severe drought May 15 to July 4, 1975; excessive rainfall July 5 to July 21, 1975; severe drought July 22 to September 1, 1975; and excessive rainfall September 2 to September 30, 1975.

Person County—severe drought June 1 to July 5, 1975; excessive rainfall July 6 to July 18, 1975; and extended drought July 19 to September 30, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-6030 Filed 3-2-76;8:45 am]

[Designation Number A310]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Lamar County, Texas, as a result of a severe drought July 1, 1975, through October 31, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of February, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-6031 Filed 3-2-76;8:45 am]

Forest Service

LAND USE PLAN STILLMAN POINT PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Stillman Point Planning Unit, Forest Service Report Number USDA-FS-R1-(17)-FES-Adm-75-7.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Stillman Point Planning Unit, Selway Ranger District, Nezperce National Forest, Idaho County, Idaho. About 60,000 acres of National Forest land are affected. The planning unit is divided into 15 logical management units for resource allocation and direction. Significant values, management direction and specific statements to guide land management have been developed for each subunit.

This final environmental statement was transmitted to CEQ on February 25, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger Station, Kooskia, ID 83539.

A limited number of single copies are available upon request to:

USDA, Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA, Forest Service, Selway Ranger Station, Kooskia, ID 83539.

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

DONALD L. BIDDISON,
Forest Supervisor,
Nezperce National Forest.

FEBRUARY 25, 1976.

[FR Doc.76-6010 Filed 3-2-76;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,684,520: Fractionation of Leafy Green Crops; filed 9 December 1969; patented 15 August 1972; not available NTIS.

Patent 3,702,264: Process for Cleaning Wool; filed 12 April 1971; patented 7 November 1972; not available NTIS.

Patent 3,716,517: Siloxane Polymers for Soil-Repellent and Soil-Release Textile Finishes; filed 2 March 1972; patented 13 February 1973; not available NTIS.

Patent 3,716,518: Siloxane Polymers for Soil-Repellent and Soil-Release Textile Finishes; filed 2 March 1972; patented 13 February 1973; not available NTIS.

Patent 3,720,630: Polymers of Fluorinated Epoxides and Use Thereof; filed 17 February 1971; patented 13 March 1973; not available NTIS.

Patent 3,859,334: Removal of Free Formaldehyde from Solutions of Methylolated Carbamate Finishing Agents; filed 5 January 1973; patented 7 January 1975; not available NTIS.

Patent 3,868,216: Process of Making Activated, Recurable, Durable-Press Fabrics and the Product; filed 29 September 1972; patented 25 February 1975; not available NTIS.

Patent 3,869,433: Quaternary Ammonium Salts of N-Substituted Palmitamides; filed 23 June 1972; patented 4 March 1975; not available NTIS.

Patent 3,871,817: Simultaneous Dyeing and Crosslinking of Cellulosic Fabrics; filed 7 September 1973; patented 18 March 1975; not available NTIS.

Patent 3,873,513: Methylolated Reaction Product of a Hydroxy Carbamate and a Cellulose-Dyeing AZO Dyestuff Containing a Chlorotriozinyl Group; filed 13 May 1971; patented 25 March 1975; not available NTIS.

Patent 3,878,123: Odor Free Hydroxymethanesulfonic Acid; filed 10 October 1973; patented 15 April 1975; not available NTIS.

Patent 3,879,169: Introduction of a Temporary Stiffness into Knitted Cotton for Stability During Patterning; filed 17 April 1973; patented 22 April 1975; not available NTIS.

Patent 3,883,597: Phosphorus Containing Aromatic Polymers and Process for Producing Flame Resistant Textiles; filed 28 March 1972; patented 13 May 1975; not available NTIS.

Patent 3,884,631: Preparation of Cellulose N,N-Dimethylformimidate Chloride in Textile Form, and Conversion to Halogenodeoxycelluloses and Cellulose Formate; filed 26 February 1973; patented 20 May 1975; not available NTIS.

Patent 3,885,069: Preparation of Cross linked Polyethylenimine and Impregnation of Cellulosic Material with in situ Cross-link-Polymerized Ethylenimine; filed 11 August 1972; patented 20 May 1975; not available NTIS.

Patent 3,891,571: Foam Producing Composition Containing Whey Solids; filed 26 October 1973; patented 24 June 1975; not available NTIS.

Patent 3,897,398: Fire Resistant Polymers Produced by Reacting Phenyl Isothiocyanate and TRIS (Hydroxymethyl) Phosphine; filed 31 May 1972; patented 29 July 1975; not available NTIS.

U.S. ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M St. SW., Washington, D.C. 20460.

Patent application: 551,787: Wet sulfation of Spent Limestone from Oil Gasification; filed 21 February 1975; PC $3.50/MF $2.25.

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

Patent application: 529,988: Process for Producing 1,5-Diacetyl-3,7-Dinitro-1,3,5,7-Tetraazacyclooctane; filed 5 December 1974; PC $3.50/MF $2.25.

Patent application: 534,328: Production of MHD Fluid; filed 19 December 1974; PC $3.50/MF $2.25.

Patent application 541,376: Agglomerating Combustor-Gasifier Method and Apparatus for Coal Gasification; filed 15 January 1975; PC $3.50/MF $2.25.

Patent 3,876,235: Failure Limiting Pipe Expansion Joint; filed 10 July 1974; patented 8 April 1975; not available NTIS.

Patent 3,876,960: Shocked Plate Metal Atom Oxidation Laser; filed 9 May 1974; patented 8 April 1975; not available NTIS.

Patent 3,877,894: Gas Chromatograph Column Material; filled 18 January 1974; patented 15 April 1975; not available NTIS.

Patent 3,878,496: Selectable Level Alarming Personal Dosimeter; filed 14 June 1971; patented 15 April 1975; not available NTIS.

Patent 3,879,520: Method for Dissolving Ceramic Beryllia; filed 31 January 1962; patented 22 April 1975; not available NTIS.

Patent 3,879,986: Parallel Point to Plane Electrostatic Precipitator Particle Size Sampler; filed 5 October 1973; patented 29 April 1975; not available NTIS.

Patent 3,881,989: Method of Detecting a Fuel Element Failure; filed 23 July 1973; patented 6 May 1975; not available NTIS.

Patent 3,884,126: Programmable Positive Displacement Pump; filed 23 May 1974; patented 20 May 1975; not available NTIS.

Patent 3,884,715: Secondary Electrochemical Power-Producing Cells Having Mixed Cathode Composition; filed 28 September 1973; patented 20 May 1975; not available NTIS.

Patent 3,885,156: Neutronic Flow Meter; filed 23 May 1974; patented 20 May 1975; not available NTIS.

Patent 3,885,437: Device for Sampling Exhaust Stack Effluent; filed 26 February 1974; patented 27 May 1975; not available NTIS.

Patent 3,885,874: Laser Plasma Diagnostic Using Ring Resonators; filed 11 January 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,037: Nuclear Fuel Pin Controlled Failure Device; filed 17 August 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,269: Process for Preparing Odor and Irritation Free Formaldehyde Disinfectant; filed 30 January 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,333: Method of Evaluating the Precision of Cross-Spectral Density Measurements of Random Noise; filed 21 December 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,358: Specimen Transfer Container for Ion Microprobe Mass Analyzer; filed 23 May 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,367: Ion-Beam Mask for Cancer Patient Therapy; filed 18 January 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,483: Plasma Pumped Laser; filed 31 October 1973; patented 27 May 1975; not available NTIS.

Patent 3,887,339: Industrial Technique; filed 19 November 1973; patented 3 June 1975; not available NTIS.

Patent 3,887,396: Modular Electrochemical Cell; filed 15 November 1973; patented 3 June 1975; not available NTIS.

Patent 3,887,486: Porous, Microspheroidal, Nuclear Fuels Having Internal Porosity; filed 16 October 1972; patented 3 June 1975; not available NTIS.

Patent 3,887,687: Recovery of Boron from a Polymer Matrix; filed 14 September 1973; patented 3 June 1975; not available NTIS.

Patent 3,888,124: Atmospheric Mercury Sampling Material and Method; filed 7 August 1973; patented 10 June 1975; not available NTIS.

Patent 3,888,731: Modular Core Component Support for Nuclear Reactor; filed 15 March 1973; patented 10 June 1975; not available NTIS.

Patent 3,888,733: Fluidized-Bed Nuclear Reactor; filed 21 December 1973; patented 10 June 1975; not available NTIS.

Patent 3,889,631: Means for Effecting Fluidization in Pyrolytic Carbon Coating Processes; filed 18 March 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,046: Condensation Nucleus Discriminator; filed 9 May 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,062: Blade Transition for Axial-Flow Compressors and the Like; filed 28 June 1972; patented 17 June 1975; not available NTIS.

Patent 3,890,121: Noble Gas Absorption Process; filed 19 February 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,197: Suspensing Scheme for Fuel Pin; filed 29 May 1961; patented 17 June 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 3,912,595: Method of Purifying Enzymes Using Boronic Acids Covalently Bonded to an Isoluble Support; filed 25 February 1974; patented 14 October 1975; not available NTIS.

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

Patent 3,835,059: Method of Generating Ice Nuclei Smoke Particles for Weather Modification and Apparatus Therefor; filed 5 September 1972; patented 10 September 1974; not available NTIS.

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

Patent application 441,607: A wet Film Thickness Gage; filed 11 February 1974; PC $3.50/MF $2.25.

Patent application 460,857: Automatic Ranging Frequency Counter; filed 15 April 1974; PC $3.50/MF $2.25.

Patent 3,830,488: Propeller Manipulating and Work Stand; filed 12 November 1973; patented 20 August 1974; not available NTIS.

Patent 3,833,075: Expendable Core Nose and Core Catcher Retainer; filed 12 October 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,425: Solar Cell Array; filed 23 February 1972; patented 3 September 1974; not available NTIS.

Patent 3,834,795: Direct Vision Laser Range Gate System; filed 2 May 1973; patented 10 September 1974; not available NTIS.

Patent 3,837,604: Means for Controlling the Deployment and the Development of a Parachute Canopy: filed 6 October 1972; patented 24 September 1974; not available NTIS.

Patent 3,856,988: Scanning Optical Imaging System with Real-Time Image Thresholding for the Elimination of Backscattered Light; filed 24 August 1973; patented 24 December 1974; not available NTIS.

Patent 3,857,351: Subsurface Submersible Mating System; Filed 25 March 1971; patented 31 December 1974; not available NTIS.

Patent 3,857,634: Device for Solving the Sonar Equation; filed 13 February 1974; patented 31 December 1974; not available NTIS.

Patent 3,858,085: Digital Raster Generator; filed 9 July 1973; patented 31 December 1974; not available NTIS.

Patent 3,858,217: Loran Assist Device; filed 21 January 1974; patented 31 December 1974 not available NTIS.

Patented 3,855,498: Center-Pole Magnetic Circuit; filed 1 November 1973; patented 17 December 1974; not available NTIS.

[FR Doc.76-6110 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 594,421: Laser Target Simulator; filed 9 July 1975; PS $3.50/MF $2.25.

Patent application 594,426: Catadioptric Objective; filed 9 July 1975; PS $3.50/MF $2.25.

Patent application 594,427: High Explosive Launcher System; filed 9 July 1975; PC $3.50/MF $2.25.

Patent application 597,060: Substituted Phenyl-Benzimidazo Compounds; filed 18 July 1975; PO $3.50/MF $2.25.

Patent application 597,061: Interstate Bleed Assembly; filed 18 July 1975; PC $3.50/MF $2.25.

Patent Application 599,298: In-Line Coax-to-Waveguide Transition Using Dipole; filed 25 July 1975; PC $3.50/MF $2.25.

Patent application 602,040: Motion Sensor for Spinning Vehicles; filed 5 August 1975; PC $3.50/MF $2.25.

Patent application 604,280: Junction Arrays for Superconducting and Nonsuperconducting Applications; filed 12 August 1975; PC $3.50/MF $2.25.

Patent application 604,527: Interfacing System for a Digital Computer; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 604,530: Heat Pipe Cooling of Airborne Phased Array Radar; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 606,039: Balanced Exciter for Wideband Antenna Element; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,040: High Average Power Millimeter Duplexer; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,041: A Low Noise Frequency Source; filed 18 August 1975; PC $3.50/MF $2.25.

Patent application 606,144: Nonrotationally Symmetric Corrections for Optical Systems with Nonrotationally Symmetric Filed-of-View Requirements; filed 20 August 1975; PC $3.50/MF $2.25.

Patent application 606,379: Method and Means for Providing Optimum Signal-to-Clutter Ratio Antenna Operation in an AMTI Radar; filed 20 August 1975; PC $4.00/MF $2.25.

Patent application 606,624: Adaptive Clutter Cancellation and Interference Rejection System for AMTI Radar; filed 20 August 1975; PC $3.50/MF $2.25.

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

Patent application 543,705: An Improved Uniform Planar Strain Tester; filed 23 January 1975; PC $3.50/MF $2.25.

Patent application 557,843: Seedcotton Feed Control; filed 12 March 1975; PC $3.50/MF $2.25.

Patent application 615,016: Lightweight Truss-Framed House; filed 19 September 1975; PC $3.50/MF $2.25.

Patent 3,706,594: Fibrous Substrate Treated with Copolymers of Fluoroalkyl Ethers and Maleic Anhydride; filed 22 February 1971; patented 19 December 1972; not available NTIS.

Patent 3,719,473: Removal of Mercury from Water Using Nut Wastes; filed 18 June 1971; patented 6 March 1973; not available NTIS.

Patent 3,732,911: Process for Reconditioning Spent Olive-Processing Brines; filed 16 March 1971; patented 15 May 1973; not available NTIS.

Patent 3,865,618: Increasing Flame Retardance of Cellulose Textile with 1,3,7-Triaza - 5 - Phosphabicyclo(3.3.1)Nonane - 3,7-Dicarbonitrile; filed 28 June 1973; patented 11 February 1975; not available NTIS.

Patent 3,868,269: Flame Resistant Organic Textile Through Treatment with Halogen Containing Soluble Methylol Phosphine Adducts; filed 15 December 1972; patented 25 February 1975; not available NTIS.

Patent 3,872,120: Process for the Preparation of 1,3-Dialkanoyl Hexahydropyrimidine; filed 4 March 1974; patented 18 March 1975; not available NTIS.

Patent 3,872,693: Laboratory Apparatus for Treating Cotton and Cotton-Blend Textiles with Organic Solvent Vapors; filed 22 March 1974; patented 25 March 1975; not available NTIS.

Patent 3,873,164: Pneumatic Valve for Airborne Materials; filed 6 July 1973; patented 25 March 1975; not available NTIS.

Patent 3,873,457: N-Substituted Fatty Acid Amide Lubricants; filed 21 February 1973; patented 25 March 1975; not available NTIS.

Patent 3,873,482: Pyroylzed Tall Oil Products as Synthetic Rubber Tackifiers; filed 26 July 1973; patented 25 March 1975; not available NTIS.

Patent 3,875,159: 1,3-Diacyl Derivatives of Imidazolidine and Hexahydropyrimidine; filed 4 March 1974; patented 1 April 1975; not available NTIS.

Patent 3,877,872: Process for Improving Abrasion Resistance of Resilient Fabrics and the Product Produced; filed 6 October 1972; patented 15 April 1975; not available NTIS.

Patent 3,884,972: Tris(2-Chloroethyl) Phosphoramide—A Crosslinking Agent for Cellulosic Compositions; filed 24 June 1970; patented 20 May 1975; not available NTIS.

Patent 3,891,097: Chicken Coop Unstacking Machine; filed 6 July 1973; patented 24 June 1975; not available NTIS.

Patent 3,891,389: Shrinkage-Control Treatment for Knitted Fabrics; filed 31 January 1973; patented 24 June 1975; not available NTIS.

Patent 3,891,612: Polymerized Rosin Product and Process for the Production of Same; filed 5 March 1973; patented 24 June 1975; not available NTIS.

Patent 3,891,621: Carbohydrate-Boron Alkoxide Compounds; filed 15 October 1973; patented 24 June 1975; not available NTIS.

Patent 3,895,078: Boll-Weevil Sex Attractant; filed 14 May 1973; patented 15 July 1975; not available NTIS.

Patent 3,895,907: Turnbull's Blue Single Bath Mineral Dyeing Process (Ferri-Zirc) for Cellulosic Textiles; filed 10 October 1973; patented 22 July 1975; not available NTIS.

Patent 3,897,205: Fireproofing Cellulose Textiles with Tetrakis (Hydroxymethyl) Phosphonium Chloride and Aniline; filed 6 July 1973; patented 29 July 1975; not available NTIS.

Patent 3,899,289: Treatment of Cotton with Glycidyl Methacrylate Using Ionizing Radiation; filed 15 April 1974; patented 12 August 1975; not available NTIS.

Patent 3,899,618: Process for Flameproofing Cellulosic Textiles; filed 20 May 1974; patented 12 August 1975; not available NTIS.

Patent 3,899,619: 1,3,5-Triaza-7-Phosphaadamantane and Derivatives as Flame Retardants for Textiles; filed 24 August 1973; patented 12 August 1975; not available NTIS.

Patent 3,900,666: Flame Retardant Textiles by Use of Nitrogenous Type Resin and Antimony Oxide; filed 4 June 1974; patented 19 August 1975; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

Patent application 638,599: Analog Visibility Computer; filed 15 December 1975; PC $3.50/MF $2.25.

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

Patent 3,878,041: Oxynitride Fuel Kernel for Gas-Cooled Reactor Fuel Particles; filed 8 August 1973; patented 15 April 1975; not available NTIS.

Patent 3,880,769: Method of Making Microspheroidal Nuclear Fuels Having Closed Porosity; filed 19 December 1972; patented 29 April 1975; not available NTIS.

Patent 3,884,126: Programmable Positive Displacement Pump; filed 23 May 1974; patented 20 May 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 application 610,457: Nuclease-Resistant Hydrophilic Complex of Polyriboinsinic-Polyribocytidylic Acid; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 616,129: Device for Mixing and Separating Immiscible Liquids Having Two Chambers Telescopable into One Another; filed 24 September 1975; PC $3.50/MF $2.25.

Patent application 620,375: Method and Apparatus for Monitoring Optical Radiation; filed 7 October 1975; PC $3.50/MF $2.25.

Patent 3,906,522: Non-Contact Photographic Identification Device for Labeling Gamma Camera Images; filed 8 February 1973; patented 16 September 1975; not available NTIS.

Patent 3,910,822: Isolation of Glucocerebrosidase from Human Placental Tissue; filed 14 March 1974; patented 7 October 1975; not available NTIS.

Patent 3,912,740: Method for the Preparation of Oxygenated Benzo(C)Phenanthridine Compounds; filed 28 February 1974; patented 14 October 1975; not available NTIS.

Patent 3,919,722: Totally Implantable Artificial Replacement Heart; filed 6 March 1973; patented 18 November 1975; not available NTIS.

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

Patent application 622,344: Composite Sampling Method and System; filed 14 October 1975; PC $3.50/MF $2.25.

Patent 3,902,324: Mobile Roof Supporting Shield; filed 25 June 1973; patented 2 September 1975; not available NTIS.

Patent 3,919,390: Process and Composition for Cleaning Hot Fuel Gas; filed 12 July 1974; patented 11 November 1975; not available NTIS.

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

Patent application 409,535: A Variable Coating Pen; filed 25 October 1973; PC $3.50/MF $2.25.

Patent application 417,339: Protective Thin Film Coating for Metals; filed 19 November 1973; PC $3.50/MF $2.25.

Patent application 445,383: Self Extinguishing Gas Generating Propellant and System Thereof; filed 25 February 1974; PC $3.50/MF $2.25.

Patent application 453,661: Method of Modifying Hydroxy-Containing Polymers with Ketenes and Product; filed 21 March 1974; PC $3.50/MF $2.25.

Patent application 456,703: Cooled Gas Generating Solid Propellants; filed 1 April 1974; PC $3.50/MF $2.25.

Patent application 461,554: Acetals Derived from Negatively Substituted Aldehydes and Polynitro—or Halonitroethanols; filed 17 April 1974; PC $3.50/MF $2.25.

Patent application 472,010: Attachment Devices for Underwater Salvage; filed 22 May 1974; PC $3.50/MF $2.25.

Patent application 482,291: Automatic Blade Angle Controller System; filed 24 June 1974, PC $3.50/MF $2.25.

Patent application 486,036: Low Noise DC Power Supply System for Electronics on a Rotating Assembly; filed 5 July 1974; PC $3.50/MF $2.25.

Patent application 501,918: Wide Band Proportional Transducer Array; filed 29 August 1974; PC $3.50/MF $2.25.

Patent application 505,815: Portable Salvage Lift Apparatus; filed 13 September 1974; PC $3.50/MF $2.25.

Patent application 507,652: Powdered Metal Mapping Probe; filed 16 September 1974; PC $3.50/MF $2.25.

Patent application 507652: Powdered Metal Source for Production of Heat and Hydrogen Gas; filed 19 September 1974; PC $4.00/MF $2.25.

Patent application 507,918: Heat Source for Curing Underwater Adhesives; filed 19 September 1974; PC $3.50/MF $2.25.

Patent application 508,008: Magnetic Tape Translator; filed 20 September 1974; PC $3.50/MF $2.25.

Patent application 508,010: A Tension Link Control Device; filed 20 September 1974; PC $3.50/MF $2.25.

Patent application 511,906: Coanda Effect Oil-Water Separator; filed 3 October 1974; PC $3.50/MF $2.25.

Patent application 544,714: Elastic Retaining Clip; filed 28 January 1975; PC $3.50/MF $2.25.

Patent application 563,914: Gyro Stabilized Radome; filed 31 March 1975; PC $3.50/MF $2.25.

Patent application 590,005: High Speed Serial Data Synchronization Scheme; filed 25 June 1975; PC $3.50/MF $2.25.

Patent application 599,292: Apparatus for Measuring Chamber Pressure; filed 25 July 1975; PC $3.50/MF $2.25.

Patent application 606,996: TV Tracker; filed 22 August 1975; PC $3.50/MF $2.25.

Patent application 607,081: Image Processing System; filed 22 August 1975; PC $3.50/MF $2.25.

Patent application 615,867: Vertical Sensing and Control System; filed 22 September 1975; PC $3.50/MF $2.25.

Patent 3,855,789: Explosive Coupling Assembly; filed 5 April 1968; patented 24 December 1974; not available NTIS.

Patent 3,856,219: Bone Mill; filed 29 September 1972; patented 24 December 1974; not available NTIS.

Patent 3,856,379: Optical Mixing Device Employing Noncritical Phase Matching in Waveguides; filed 20 August 1973; patented 24 December 1974; not available NTIS.

Patent 3,856,380: Prism to Separate a Second Harmonic from its Fundamental Frequency; filed 15 May 1973, patented 24 December 1974; not available NTIS.

Patent 3,856,550: Fluorescent Visual Augmentation Composition; filed 12 September 1973; patented 24 December 1974; not available NTIS.

Patent 3,857,109: Longitudinally-Pumped Two-Wavelength Lasers; filed 12 November 1973; patented 24 December 1974; not available NTIS.

[FR Doc.76-6111 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 for 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 HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent 3,903,068: Facile Synthesis of Human Insulin by Modification of Porcine Insulin; filed 26 December 1972; patented 2 September 1975; not available NTIS.

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

Patent 3,755,034: Method for Making a Hollow Fiber Separatory Element; filed 10 December 1971; patented 28 August 1973; not available NTIS.

Patent 3,834,896: Recovery of Gold; filed 21 June 1972; patented 10 September 1974; not available NTIS.

Patent 3,860,494: Process for Producing and Maintaining Purified, Sterile Water; filed 29 August 1972; patented 14 January 1975; not available NTIS.

Patent 3,864,327: Removal of Mercury from Solutions; filed 19 September 1973; patented 4 February 1975; not available NTIS.

Patent 3,873,346: Process of Forming Self-Destructing Pesticidal Formulations; filed 11 October 1973; patented 25 March 1975; not available NTIS.

Patent 3,873,653: Preparation of High Flux Cellulose Acetate Membranes and Hollow Fibers from Prefabricated Low Flux Specimens; filed 27 July 1973; patented 25 March 1975; not available NTIS.

Patent 3,884,795: Solvent Refined Coal Process with Zones of Increasing Hydrogen Pressure; filed 4 May 1974; patented 20 May 1975; not available NTIS.

Patent 3,884,796: Solvent Refined Coal Process with Retention of Coal Minerals; filed 4 March 1974; patented 20 May 1975; not available NTIS.

Patent 3,884,801: Preparation of Reverse Osmosis Membranes by Complete Evaporation of the Solvent System; filed 26 September 1973; patented 20 May 1975; not available NTIS.

Patent 3,888,970: Double Layer Catalyst Bed for Removing SO2 from Waste Gases; filed 12 February 1973; patented 10 June 1975; not available NTIS.

Patent 3,892,654: Dual Temperature Coal Solvation Process; filed 4 March 1974; patented 1 July 1975; not available NTIS.

Patent 3,909,279: Bonding Composition; filed 5 July 1974; patented 30 September 1975; not available NTIS.

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

Patent application 492,370: Selective Rotor Blade Severing Apparatus; filed 29 July 1974, PC $3.50/MF $2.25.

Patent application 578,843: Stabilization and Control of Acoustic Surface Wave Devices; filed 19 May 1975; PC $3.50/MF $2.25.

Patent application 580,447: Position Probes for Mechanical Fatigue Detection System; filed 23 May 1975; PC $3.50 MF $2.25.

Patent application 586,684: Two-Way Fluid Meter Pump; filed 13 June 1975; PC $3.50/MF $2.25.

Patent application 593,071: Universal Infantry Weapons Trainer; filed 3 July 1975; PC $3.50/MF $2.25.

Patent 3,819,962: Ballistic Impact Detector; filed 4 May 1973; patented 25 June 1974; not available NTIS.

Patent 3,820,031: Method and Apparatus for Decoding a Manchester Waveform; filed 25 July 1973; patented 25 June 1974; not available NTIS.

Patent 3,820,463: Shotgun Grenade; filed 30 October 1972; patented 28 June 1973; not available NTIS.

Patent 3,820,953: Method for Measuring Liquid Particle Distribution from Fogs, Clouds, and Sprays; filed 18 October 1972; patented 28 June 1974; not available NTIS.

Patent 3,821,043: Hydrazine Gel Composition; filed 2 September 1966; patented 28 June 1974; not available NTIS.

Patent 3,826,575: High Performance Ring Laser Gyroscope with Magneto-Optical Bias; filed 25 June 1973; patented 30 July 1974; not available NTIS.

Patent 3,826,580: Adhesive Dispenser; filed 13 September 1971; patented 30 July 1974; not available NTIS.

Patent 3,826,613: Detection and Titration of Viruses and Antibodies Using Latex; filed 6 March 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,002: Tunable Electroacoustic Transducers; filed 18 May 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,022: Induced Doppler Sonar; filed 23 April 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,023: Piezoelectric Transducer Having Good Sensitivity Over a Wide Range of Temperature and Pressure; filed 25 May 1972; patented 30 July 1974; not available NTIS.

Patent 3,827,050: Method and Means for Obtaining Radio Bearings; filed 15 February 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,362: Electrical Circuit Destruct System; filed 14 August 1972; patented 6 August 1974; not available NTIS.

Patent 3,827,619: Ultrasonic Bond Monitor; filed 19 January 1973; patented 6 August 1974; not available NTIS.

Patent 3,829,596: Sonar Reverberation Simulator; filed 26 July 1973; patented 13 August 1974; not available NTIS.

Patent 3,829,674: Slow Modulation Distance Measuring Apparatus; filed 26 January 1973; patented 13 August 1974; not available NTIS.

Patent 3,829,768: Superconducting Gradiometer for Measuring First and Second Derivatives of a Magnetic Field; filed 4 September 1973; patented 13 August 1974; not available NTIS.

Patent 3,829,788: Electric Power Amplification at Low Frequencies; filed 21 December 1972; patented 13 August 1974; not available NTIS.

Patent 3,829,860: Signal Correlator; filed 25 January 1971; patented 13 August 1974; not available NTIS.

Patent 3,831,013: Correlators Using Shift Registers; filed 20 February 1973; patented 20 August 1974; not available NTIS.

Patent 3,831,044: Coded Grating Transducer; filed 7 November 1973; patented 20 August 1974; not available NTIS.

Patent 3,831,055: Raster Display Generator; filed 2 January 1973; patented 20 August 1974; not available NTIS.

Patent 3,831,088: Pulsed Signal Phase Lock Spectral Purity Measuring Apparatus; filed 1 August 1973; patented 20 August 1974; not available NTIS.

Patent 3,831,137: Acousto-Optic Underwater Detector; filed 14 April 1972; patented 20 August 1974; not available NTIS.

Patent 3,832,564: Radiation Absorber and Intensity Collimator Unit; filed 31 January 1973; patented 27 August 1974; not available NTIS.

Patent 3,832,710: Noise Injection Implementation for Constant False Alarm Rate Radar; filed 4 April 1973; patented 27 August 1974; not available NTIS.

Patent 3,835,234: Sonar Echo Simulator; filed 9 August 1973; patented 10 September 1974; not available NTIS.

Patent 3,838,643: Explosive Device for Scuttling Ships; filed 4 October 1971, patented 1 October 1974; not available NTIS.

Patent 3,847,558: Titanium-Beryllium Reinforced Matrices; filed 24 August 1972; patented 12 November 1974; not available NTIS.

Patent 3,848,201: Turnable Solid State Local Oscillator; filed 18 October 1971; patented 12 November 1974; not available NTIS.

Patent 3,848,510: Bolt Locking Mechanism for Reciprocating Gun; filed 27 August 1973; patented 19 November 1974; not available NTIS.

Patent 3,849,746: Mounting Assembly for Ferrimagnetic Core in Waveguide Phase Shifter; filed 18 October 1973; patented 19 November 1974; not available NTIS.

Patent 3,852,707: Sonar Broadband Constant Beamwidth Shading Network; filed 23 February 1968; patented 3 December 1974; not available NTIS.

Patent 3,853,645: Composite Propellant Containing Polytetrafluoroethylene Powder and Butyl or Ethylene-Propylene Rubber; filed 30 October 1970; patented 10 December 1974; not available NTIS.

Patent 3,854,037: Sextant Having Night Viewing Capability and Digital Readout and Portable Computer System; filed 4 December 1972; patented 10 December 1974; not available NTIS.

Patent 3,854,060: Transducer for FM Sonar Application; filed 12 October 1973; patented 10 December 1974; not available NTIS.

Patent 3,854,225: Rotating Tank Demonstrator; filed 14 May 1973; patented 17 December 1974; not available NTIS.

Patent 3,854,678: Rotary Valve Jet Flap Control System; filed 17 Sepetmber 1973; patented 17 December 1974; not available NTIS.

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

Patent application 606,891: Electrically Rechargeable Redox Flow Cell; filed 22 August 1975; PC $3.50/MF $2.25.

Patent application 607,969: Apparatus for Reducing Aerodynamic Noise in a Wind Tunnel; filed 26 August 1975; PC $3.50/MF $2.25.

Patent application 610,801: Method of Crystallization; filed 5 September 1975; PC $3.50/MF $2.25.

Patent application 610,802: Metallic Hot Wire Anemometer and Method for Fabricating the Same; filed 5 September 1975; PC $3.50/MF $2.25.

Patent application 612,899: Jet Engine Air Intake System; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 612,964: Ion Beam Thruster Shield; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 612,965: Actuator Device for Artificial Leg; filed 12 September 1975; PC $4.00/MF $2.25.

Patent application 612,966: Low Gravity Phase Separator; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 613,004: Distributed Feedback Acoustic Surface Wave Oscillator; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 615,030: Apparatus for Measuring a Sorbate Dispersed in a Fluid Stream; filed 19 September 1975; PC $4.00/MF $2.25.

Patent application 616,332: Hybrid Composite Laminate Structures; filed 24 September 1975; PC $4.00/MF $2.25.

Patent application 616,333: An Improved Furlable Antenna; filed 24 September 1975; PC $3.50/MF $2.25.

Patent application 619,986: Pneumatic Load Compensating or Controlling System; filed 6 October 1975; PC $3.50/MF $2.25.

Patent application 620,675: Automatic Fluid Dispenser; filed 8 October 1975; PC $3.50/MF $2.25.

Patent 3,906,393: Acoustically Controlled Distributed Feedback Laser; patented 16 September 1975; not available NTIS.

Patent 3,906,397: Diatomic Infrared Gasdynamic Laser; patented 16 September 1975; not available NTIS.

Patent 3,906,398: Inert Gas Metallic Vapor Laser; patented 16 September 1975; not available NTIS.

[FR Doc.76-6112 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AGRICULTURE, RESEARCH AGREEMENTS AND PATENT MGMT. BRANCH, GENERAL SERVICES DIVISION, FEDERAL BLDG., AGRICULTURAL RESEARCH SERVICE, HYATTSVILLE, MD. 20782.

Patent 3,694,856: Method of Defeathering Poultry; filed 30 October 1970; patented 3 October 1972; not available NTIS.

Patent 3,701,792: 1,4-Bis(Heptafluoroisopropoxy)-2,3-Epoxy-Butane; filed 17 February 1971; patented 31 October 1972; not available NTIS.

Patent 3,734,743: Sour Dough French Bread; filed 26 February 1971; patented 22 May 1973; not available NTIS.

Patent 3,736,154: Prevention of Freeze-Damage in Perishable Foods; filed 28 June 1971; patented 29 May 1973; not available NTIS.

U.S. ENVIRONMENTAL PROTECTION AGENCY, ROOM W513, 401 M ST., S.W., WASHINGTON, D.C. 20460.

Patent application 547,158: Preparation of and an Aqueous Emulsion Blacktop Dressing Composition Containing Tire Rubber; filed 5 February 1975; PC $4.00/MF $2.25.

Patent application 548,471: Chemiluminescent Method and Apparatus for Determining the Photochemical Reactivity of Organic Pollutants in a Gaseous Mixture; filed 10 February 1975; PC $3.50/MF $2.25.

U.S. ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent 3,877,730: Method of Repairing a Flange Face of a Clamped-Flange Sealing-Ring Type Pipe Coupling; filed 12 February 1974; patented 15 April 1975; not available NTIS.

Patent 3,878,410: Two-Phase Liquid-Metal Magnetohydrodynamic (MHD) Generator; filed 21 February 1974; patented 15 April 1975; not available NTIS.

Patent 3,880,619: Solid Sorbent for Trapping Iodine; filed 5 September 1974; patented 29 April 1975; not available NTIS.

Patent 3,885,393: Hydraulic Load Matching Device; filed 7 September 1973; patented 27 May 1975; not available NTIS.

Patent 3,886,402: Magnetic Pumping in Spatially Inhomogeneous Magnetic Fields: filed 7 May 1974; patented 27 May 1975; not available NTIS.

Patent 3,886,969: Time Delay Vent Valve; filed 23 May 1973; patented 3 June 1975; not available NTIS.

Patent 3,890,101: Collection Ring for Use in Multiple-Sample Blood Fractionation Centrifugal Rotors; filed 15 February 1974; patented 17 June 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 application 602,385: Flocking of Blood-Contacting Surfaces of Artificial Implant Devices; filed 6 August 1975; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF THE INTERIOR, BRANCH OF PATENTS, 18TH AND C STREETS, N.W., WASHINGTON, D.C. 20240.

Patent application 580,111: Technique for Lining Shaft; filed 22 May 1975; PC $3.50/MF $2.25.

Patent application 581,408: Drilling System Using Weight of Mud; filed 28 May 1975; PC $3.50/MF $2.25.

Patent application 585,223: Self-Contained Instrument for Measuring Subterranean Tunnel Wall Deflection; filed 9 June 1975; PC $5.00/MF $2.25.

Patent Application 592,488: Pressure Sensitive Explosion Barrier; filed 2 July 1975; PC $3.50/MF $2.25.

Patent application 594,824: Clamshell-Type Hydraulic Flow Control Gate; filed 10 July 1975; PC $3.50/MF $2.25.

Patent application 619,739: Unitary Roof Bolt Assembly; filed 6 October 1975; PC $3.50/MF $2.25.

Patent appplication 622,343: Passive Explosion Barrier; filed 14 October 1975; PC $3.50/MF $2.25.

Patent application 622,345: Alternating Current Potential Measuring Device; filed 14 October 1975; PC $3.50/MF $2.25.

Patent 3,848,813: Continuous Process for Mechanically Separating Materials Contained in Urban Refuse; filed 9 March 1973; patented 19 November 1974; not available NTIS.

Patent 3,864,043: Angular Deviation Measuring Device and Its Method of Use; filed 30 November 1973; patented 4 February 1975; not available NTIS.

Patent 3,872,719: Rock Bolt Tension Load Cell; filed 24 October 1973; patented 25 March 1975; not available NTIS.

Patent 3,889,525: Vibrating Wire Meter; filed 7 August 1974; patented 17 June 1975; not available NTIS.

Patent 3,892,076: Long Shield Mining Method; filed 1 April 1974; patented 1 July 1975; not available NTIS.

Patent 3,899,129: Apparatus for Generating Ice Nuclei Smoke Particles for Weather Modification; filed 16 April 1974; patented 12 August 1975; not available NTIS.

Patent 3,912,330: Chemical Mining of Copper Porphyry Ores; filed 4 March 1974; patented 14 October 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA. 22217.

Patent 3,811,185: Method for Enhancing V3 Ga Thin Film Growth; filed 23 March 1973; Patented 21 May 1974; not available NTIS.

Patent 3,811,204: Programmable Laser Marksmanship Trainer; filed 22 March 1973; patented 21 May 1974; not available NTIS.

Patent 3,811,329: Stabilized Platform; filed 4 December 1972; patented 21 May 1974; not available NTIS.

Patent 3,813,599: Bandwidth Measurement System; filed 4 June 1973; patented 28 May 1974; not available NTIS.

Patent 3,813,667: Three-Phase Power Disturbance Monitor; filed 29 May 1973; patented 28 May 1974; not available NTIS.

Patent 3,813,795: Laser Device for Moving Target Marksmanship Training; filed 8 June 1973; patented 4 June 1974; not available NTIS.

Patent 3,815,413: Anemometer Wind Direction Damping System; filed 17 January 1973; patented 11 June 1974; not available NTIS.

Patent 3,815,429: Precision Non-Translating Mirror/Lens Mount; filed 19 April 1973; patented 11 June 1974; not available NTIS.

Patent 3,817,200: Ambient Pressure Powered Cable Cutter; filed 19 April 1971; patented 18 June 1974; not available NTIS.

Patent 3,826,449: Inflation and Evacuation System for an Air Cushion Landing System; filed 21 September 1973; patented 30 July 1974; not available NTIS.

Patent 3,827,921: Method of Making a Composite Alloy; filed 26 February 1973; patented 6 August 1974; not available NTIS.

Natent 3,828,134: Device for Changing Pitch of an Audio Signal to Improve Intelligibility; filed 9 July 1973; patented 6 August 1974; not available NTIS.

Patent 3,828,143: Piezoelectric End Capped Cylinder Assembly for Use to the Radial-Mode Resonance Frequency; filed 21 June 1972; patented 6 August 1974; not available NTIS.

Patent 3,829,046: Programmable, Reversible Drag, Multi-Stage Parachute; filed 16 March 1973; patented 13 August 1974; not available NTIS.

Patent 3,829,146: Delayed Parachute Disconnect; filed 30 July 1973; patented 13 August 1974; not available NTIS.

Patent 3,829,403: Lightweight Ceramic Lens for Microwave Antenna; filed 2 July 1970; patented 13 August 1974; not available NTIS.

Patent 3,830,091: Accelerometer Comparator; filed 5 April 1973; patented 20 August 1974; not available NTIS.

Patent 3,830,102: High Velocity Water Ring Apparatus; filed 13 March 1973; patented 20 August 1974, not available NTIS.

Patent 3,830,178: Semisubmerged Ship with Hull Extensions; filed 26 April 1973; patented 20 August 1974; not available NTIS.

Patent 3,830,190: Variable Geometry Marine Propulsor; filed 24 May 1973; patented 20 August 1974; not available NTIS.

Patent 3,830,650: Non-Aqueous Silver Film Formation; filed 18 June 1973; patented 20 August 1974; not available NTIS.

Patent 3,832,713: Microwave Phase Shifting Apparatus; filed 1 March 1973; patented 27 August 1974; not available NTIS.

Patent 3,832,882: Humidity Testing Apparatus; filed 10 May 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,402: Graphite Fiber Treatment; filed 27 March 1972; patented 3 September 1974; not available NTIS.

Patent 3,833,432: Sodium Azide Gas Generating Solid Propellant with Fluorocarbon Binder; filed 11 February 1970; patented 3 September 1974; not available NTIS.

Patent 3,833,856: Apparatus for Testing an Amplifier; filed 15 November 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,880: Very Low Frequency Sonar Projector; filed 26 February 1973; patented 3 September 1974; not available NTIS.

Patent 3,833,952: Nonlinear Energy Absorption System; Filed 18 January 1973; patented 10 September 1974; not available NTIS.

Patent 3,833,954: Floatable, Telescoping, Transportable Shelter; filed 1 November 1973; patented 10 September 1974; not available NTIS.

Patent 3,834,282: Actuator and Latch; filed 4 May 1973; patented 10 September 1974; not available NTIS.

Patent 3,834,626: Bellmouth Vehicle Exhaust Port; filed 6 April 1970; patented 10 September 1974; not available NTIS.

Patent 3,834,957: Solvent Process for Production of Composite Propellants Using Hexane and HMX; filed 14 May 1970; patented 10 September 1974; not available NTIS.

Patent 3,834,960: Method of Making Fusible and Electrical Conductive Coating; filed 31 August 1973; patented 10 September 1974; not available NTIS.

Patent 3,836,714: Digital Voice Detector; filed 24 August 1973, patented 17 September 1974; not available NTIS.

Patent 3,836,791: Presettable Single-Input Voltage-Time Integrator; filed 13 July 1973; patented 17 September 1974; not available NTIS.

Patent 3,836,966: Dual Mode Radar System; filed 5 October 1972; patented 17 September 1974; not available NTIS.

Patent 3,837,224: Digital Automatic Depth Control and Readout for a Movable Transducer Package; filed 9 July 1973; patented 24 September 1974; not available NTIS.

Patent 3,838,025: Method and Electrolyte for Producing a Copper Plated Microstrip; filed 5 October 1972; patented 24 September 1974; not available NTIS.

Patent 3,838,627: Hydraulic Positional Control System; filed 20 February 1973; patented 1 October 1974; not vailable NTIS.

Patent 3,846,723: Surface Wave Narrow Bandpass Filter; filed 22 June 1973; patented 5 November 1974; not available NTIS.

Patent 3,846,744: Shock Hardened Transducer: filed 17 May 1973; patented 5 November 1974; not available NTIS.

Patent 3,847,369: Control Surface Deploymen Mechanism; filed 8 March 1973; patented 12 November 1974; not available NTIS.

Patent 3,849,742: Synchronously Tuned Laser Transmitter and Receiver; filed 28 June 1973; patented 19 November 1974; not available NTIS.

Patent 3,849,996: Method and Apparatus for Positioning a Cofferdam; filed 2 January 1974; patented 26 November 1974; not available NTIS.

Patent 3,851,246: Method of Predicting the Post Transfusion Viability of Preserved Erythrocytes and Other Similar Cells; filed 26 November 1973; patented 26 November 1974; not available NTIS.

Patent 3,851,334: Collision Avoidance and Station Keeping Antenna System; filed 19 September 1972; patented 26 November 1974; not available NTIS.

Patent 3,852,103: Raster Pattern Magnetoresistors; filed 1 March 1971; patented 3 December 1974; not available NTIS.

Patent 3,857,283: Depthometer; filed 12 December 1973; patented 31 December 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA CODE GP-2, WASHINGTON, D.C. 20546.

Patent application 547,072: Magnetometer; filed 4 February 1975; PC $3.50/MF $2.25.

Patent application 617,895: Phase Modulator; filed 29 September 1975; PC $3.50/MF $2.25.

Patent application 618,594: Smoke Generator; filed 1 October 1975; PC $3.50/MF $2.25.

Patent application 623,189: Cesium Thermionic Converters Having Lanthanum Hexaboride Electrodes; filed 16 October 1975; PC $3.50/MF $2.25.

Patent application 623,536: Full Color Hybrid Display for Aircraft Simulators; filed 17 October 1975; PC $4.00/MF $2.25.

Patent 3,896,758: Meteoroid Impact Position Locator Aid for Manned Space Station; patented 29 July 1975; not available NTIS.

Patent 3,903,699: Solar Energy Power System; patented 9 September 1975; not available NTIS.

Patent 3,906,769: Method of Making an Insulation Foil; patented 23 September 1975; not available NTIS.

Patent 3,906,788: Self-Supporting Strain Transducer; patented 23 September 1975; not available NTIS.

Patent 3,907,686: Filter Regeneration Systems; patented 23 September 1975; not available NTIS.

[FR Doc.76-6113 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 602,039: Integral Heater Thermal Energy Storage Device; filed 5 August 1975; PC $3.50/MF $2.25.

Patent application 606,273: Spacecraft Closed Loop Three-Axis Momentum Unloading System; filed 20 August 1975; PC $3.50/MF $2.25.

Patent application 606,378: Supersonic Flow Diffuser with Energy Redistribution; filed 20 August 1975; PC $3.50/MF $2.25.

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

Patent application 554,056: Improved Composition for Attracting the Cotton Boll Weevil; filed 27 February 1975; PC $3.50/MF $2.25.

Patent application 555,487: A Vapor Phase Process to Impart Smolder Resistance to Cotton Batting and Other Cellulosic Materials; filed 5 March 1975; PC $3.50/MF $2.25.

Patent application 557,844: Full Flow Feeder; filed 12 March 1975; PC $3.50/MF $2.25.

Patent application 558,108: Detection of Hidden Insects; filed 18 June 1975; PC $3.50/MF $2.25.

Patent application 561,584: Method for Producing Bicolored Cotton Pile Fabrics by Means of a Kiss-Roll Technique for Application of Dye-Resistive Agents; filed 24 March 1975; PC $3.50/MF $2.25.

Patent application 561,587: Organo-Phosphorous Compounds Containing Perfluoroalkyl Radicals and Their Application to Cellulosic Textiles; filed 24 March 1975; PC $3.50/MF $2.25.

Patent application 563,256: Automatic Produce-Bagging Machine That Uses Factory-Roll Polyethylene Net Tubing; filed 28 March 1975; PC $3.50/MF $2.25.

Patent application 563,257: Photofinishing of Cotton Textiles; filed 28 March 1975; PC $3.50/MF $2.25.

Patent application 578,298: A Method of Producing Anhydrous Crystalline Reaction Products of Formaldehyde and Methyl-, Ethyl Carbamate; filed 16 May 1975; PC $3.50/MF $2.25.

Patent application 578,299: Improved Emulsion Systems for Imparting Durable Press Properties to Cotton and Cotton-Polyester Blended Textiles; filed 16 May 1975; PC $3.50/MF $2.25.

Patent application 580,093: Fiber Blending Mechanism; filed 22 May 1975; PC $3.50/MF $2.25.

Patent application 585,213: Process for Producing and Utilizing Durable Press Fabrics with Strong Acid Grafts; filed 9 June 1975; PC $3.50/MF $2.25.

Patent application 591,251: Solubilization of Protein with Ethanol-Acetonitrile-Water Solvent System; filed 27 June 1975; PC $3.50/MF $2.25.

Patent application 592,687: Transfer Techniques for Producing Flame Retardant Cotton Fabrics; filed 2 July 1975; PC $3.50/MF $2.25.

Patent application 594,898: Process of Imparting Creasability of Cellulosic and Other Hydroxy-Containing Polymeric Fibers and Fabrics by Reaction of N-Methylol Derivatives in the Presence of Phosphorylating Agents and Products; filed 10 July, 1975; PC $3.50/MF $2.25.

Patent application 598,466: Formation of Urethane Crosslinks in Cellulose Ethers Incorporating Amine Groups by Use of Propylene or Ethylene Carbonate; filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 598,468: Flame Retardation of Textiles by Crosslinking Halo Phosphorus Compounds with Polyethylenimine; filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 615,016: Lightweight Truss-Framed House; filed 19 September 1975; PC $3.50/MF $2.25.

Patent 3,716,382: Slush-Drying of Liquid Foods; filed 24 June 1970; patented 13 February 1973; not available NTIS.

Patent 3,725,085: Flavor Enhancement of Allium Products; filed 9 July 1971; patented 3 April 1973; not available NTIS.

Patent 3,741,106: System for Hydrating Dates; filed 12 February 1970; patented 26 June 1973; not available NTIS.

Patent 3,745,019: Preparation of Pre-Fried Food Products; filed 24 September 1971; patented 10 July 1973; not available NTIS.

Patent 3,745,222: Cinnamyl Phenos Useful as Antimicrobial Agents; filed 22 September 1970; patented 10 July 1973; not available NTIS.

Patent 3,747,564: Method of Preparing Animal Litter; filed 17 November 1971; patented 24 July 1973; not available NTIS.

Patent 3,749,584: Decaffeination of Beverages; filed 28 March 1972; patented 31 July 1973; not available NTIS.

Patent 3,754,938: Preservation of Apple Slices with a Solution Consisting of Ascorbic Acid, Calcium Chloride and Sodium Bicarbonate; filed 26 May 1971; patented 28 August 1973; not available NTIS.

Patent 3,764,348: Preservation of Peaches for Subsequent Processing; filed 17 March 1972; patented 9 October 1973; not available NTIS.

Patent 3,771,351: Method and Apparatus for Detecting Spoilage; filed 10 July 1972; patented 13 November 1973; not available NTIS.

Patent 3,772,039: Imparting a Potato Flavor by Adding the Hydrochloric Acid Salt of 2-Methoxy-3-Ethylpyrazine; filed 5 May 1971; patented 13 November 1973; not available NTIS.

Patent 3,775,541: Dihydrocinnamyl Phenols Useful as Antimicrobial Agents; filed 25 May 1972; patented 27 November 1973; not available NTIS.

Patent 3,794,500: Deactivation of Inner Core Enzymes by Retained Blanching Heat; filed 31 March 1971; patented 26 February 1974; not available NTIS.

Patent 3,830,149: System for Pasteurization; filed 31 October 1972; patented 20 August 1974; not available NTIS.

Patent 3,831,435: Silver-Foil Psychrometer for Measuring Leaf Water Potential; filed 6 April 1973; patented 27 August 1974; not available NTIS.

Patent 3,859,451: Preparation of Stable Protein Concentrates from Grain By-Products; filed 24 September 1973; patented 7 January 1975; not available NTIS.

Patent 3,864,501: Method of Enhancing Coloration of Fruits and Vegetables with a Dialhylamino-Alkoxybenzene; filed 10 October 1973; patented 4 February 1975; not available NTIS.

Patent 3,876,777: Dihydrochalcone Galactosides and Their Use as Sweetening Agents; filed 23 May 1972; patented 8 April 1975; not available NTIS.

Patent 3,876,807: Process for Increasing Digestibility of Legume Seeds; filed 24 September 1973; patented 8 April 1975; not available NTIS.

Patent 3,876,813: Fortification of Flour and Flour Products with Ferripolyphosphate; filed 14 January 1974; patented 8 April 1975; not available NTIS.

Patent 3,886,292: Process for Reducing Shortening While Maintaining Quality Cakes; filed 15 February 1974; patented 27 May 1975; not available NTIS.

Patent 3,890,296: Dihydrochalcone Galactosides and Their Use as Sweetening Agents; filed 8 April 1974; patented 17 June 1975; not available NTIS.

Patent 3,890,298: Dihydrochalcone Xylosides and Their Use as Sweetening Agents; filed 8 April 1974; patented 17 June 1975; not available NTIS.

Patent 3,891,773: Culture of Sour Dough Bacteria; filed 26 February 1971; patented 24 June 1975; not available NTIS.

Patent 3,892,877: Process for Preparing Tomato Juice of Increased Consistency; filed 17 March 1972; patented 1 July 1975; not available NTIS.

Patent 3,898,160: Recovering Proteins from Waste Water; filed 20 November 1973; patented 5 August 1975; not available NTIS.

Patent 3,901,998: Highly Fluorinated Derivatives of Copolymers of Fluoroalkyl Ethers and Maleic Anhydride; filed 22 August 1974; patented 26 August 1975; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

Patent application 630,161: Distance Measuring Method and Apparatus; filed 10 November 1975; PC $3.50/MF $2.25.

Patent application 632,214: Power Interrupt Test Equipment; filed 17 November 1975; PC $3.50/MF $2.25.

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

Patent application 539,130: Temperature Difference Integrator Circuit; filed 6 January 1975; PC $3.50/MF $2.25.

Patent 3,875,385: Programmed-Sweep Unit for Expanding the Capabilities of a Computer of Average Transients; filed 8 March 1974; patented 1 April 1975, not available NTIS.

Patent 3,877,775: Cable Connector; filed 27 August 1973, patented 15 April 1975; not available NTIS.

Patent 3,878,378: Data Processor for Multistration Photometers; filed 31 October 1973, patented 15 April 1975; not available NTIS.

Patent 3,878,723: Thermal Noise Power Thermometry; filed 15 April 1974; patented 22 April 1975; not available NTIS.

Patent 3,881,355: Archive-Cup Insert for Liquid-Metal Sampling; filed 30 October 1973; patented 6 May 1975; not available NTIS.

Patent 3,885,992: Thermocouple and Method of Making Same; filed 9 January 1974; patented 27 May 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 application 611,321: Chin Activated Switch; filed 8 September 1975; PC $3.50/MF $2.25.

Patent application 614,668: Ultrasonic Diagnostic Technique Utilizing Switched Gain Signal Processing; filed 18 September 1975; PC $3.50/MF $2.25.

Patent application 621,543: A Magnetic Fluid Actuated Control Valve, Relief Valve and Pump; filed 10 October 1975; PC $3.50/MF $2.25.

Patent 3,680,549: Spiral Orthosis for the Lower Extremity; Filed 8 May 1970; patented 1 August 1972; not available NTIS.

Patent 3,911,502: Composite Heart Valve Poppet; filed 23 August 1974; patented 14 October 1975; not available NTIS.

Patent 3,911,926: Adjustable Microvascular U-Clamp; filed 16 August 1974; patented 14 October 1975; not available NTIS.

Patent 3,913,572: Pleated Membrane Intrauterine Contraceptive Device; filed 14 June 1974; patented 21 October 1975; not available NTIS.

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

Patent Application 624,358: Shaft Position Digitizer; filed 21 October 75; PC $3.50/MF $2.25.

Patent Application 625,403: Method for Coating Low-Alloy Steels with Iron Sulfide; filed 24 October 1975; PC $3.50/MF $2.25.

Patent Application 625,985; Rate Independent Pulse Generator; filed 28 October 1975; PC $3.50/MF $2.25.

Patent Application 627,650: Prestressed Roof Support System; filed 31 October 1975; PC $3.50/MF $2.25.

Patent 3,914,992: Load Measuring Gage; filed 12 August 1974; patented 28 October 1975; not available NTIS.

Patent 3,914,993: Rigid Testing Machine; filed 25 June 1973; patent 28 October 1975; not available NTIS.

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

Patent Application 507,653: Electrode Gap Control for Electro Chemical Batteries and Heat Generation Systems; filed 19 September 1974; PC $3.50/MF $2.25.

Patent Application 516,320; A Throttle Control for Remote Air Driven Devices; filed 21 October 1974; PC $3.50/MF $2.25.

Patent Application 523,768: Intrusion Alarm System; filed 14 November 1974; PC $3.50/MF $2.25.

Patent Application 615,867: Verticle Sensing and Control System; filed 22 September 1975; PC $3.50/MF $2.25.

Patent Application 616,236: Fireline Detonator; filed 24 September 1975; PC $3.50/MF $2.25.

Patent Application 617,254: Linear Bilateral Optical 3db Coupler; filed 26 September 1975; PC $3.50/MF $2.25.

Patent Application 617,658: Impulsive Rocket Motor Safety-Arming Device; filed 29 September 1975; PC $3.50/MF $2.25.

Patent 3,835,419: Current Switching Frequency Modulator; filed 18 April 1973; patented 10 September 1974; not available NTIS.

Patent 3,835,446: Chirp Signal Apparatus; filed 25 November 1966; patented 10 September 1974; not available NTIS.

Patent 3,836,099: Airfoil Camber Change System; filed 28 September 1973; patented 17 September 1974; not available NTIS.

Patent 3,836,225: Fiber Optic Scanners; filed 24 September 1973; patented 17 September 1974; not available NTIS.

Patent 3,839,109: Method of Fabricating Right Spherical Segment Glass Shell-to-Metal-Joint; filed 26 April 1973; patented 1 October 1974; not available NTIS.

Patent 3,839,679: High Speed Gated Video Integrator with Zero Offset; filed 21 June 1973; patented 1 October 1974; not available NTIS.

Patent 3,840,078: Stress Wave Drill; filed 1 October 1973; patented 8 October 1974; not available NTIS.

Patent 3,840,270: Tunnel Excavation with Electrically Generated Shock Waves; filed 29 March 1973; patented 8 October 1974; not available NTIS.

Patent 3,840,290: Zoon Lens System Having Four Movable Members; filed 13 August 1973; patented 3 October 1974; not available NTIS.

Patent 3,840,823: Simultaneous Two Wavelength Operation in Infrared Lasers; filed 30 March 1973; patented 8 October 1974; not available NTIS.

Patent 3,841,107: Magnetic Refrigeration; filed 20 June 1973; patented 15 October 1974; not available NTIS.

Patent 3,855,789: Explosive Coupling Assembly; filed 5 April 1968; patented 24 December 1974; not available NTIS.

Patent 3,856,379: Optical Mixing Device Employing Noncritical Phase Matching in Waveguides; filed 20 August 1973; patented 24 December 1974; not available NTIS.

Patent 3,856,380: Prism to Separate a Second Harmonic from its Fundamental Frequency; filed 15 May 1973; patented 24 December 1974; not available NTIS.

Patent 3,856,550: Fluorescent Visual Augmentation Composition; filed 12 September 1973; patented 24 December 1974; not available NTIS.

Patent 3,857,109: Longitudinally-Pumped Two-Wavelength Lasers; filed 12 November 1973; patented 24 December 1974; not available NTIS.

[FR Doc.76-6114 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 610,465: Speed Controlled Second Event Launcher; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 610,470: Fluorocarbon Ether Bis(o-Aminophenol) Compounds; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 610,471: Omega-Carbomethoxyperfluoroalkylene Oxide Iodides; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 610,474: Long Chain-Perfluoroalkylene Ether Bibenzoxazole Polymer Compositions and Method of Synthesis; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 610,520: Fluoroalkylene-ether Difunctional Compounds; filed 4 September 1975; PC $3.50/MF $2.25.

Patent application 612,078: Bis-Ethynyl Heterocyclic Compositions and Method of Synthesis; filed 10 September 1975; PC $3.50/MF $2.25.

Patent application 612,873: Ablative Protective Material for Reentry Bodies; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 613,003: Automatic Calibration of Altimeter Time Lag in Compensated Baro-Inertial Loops; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 615,757: In-Flight Modulating Thrust Reverser; filed 22 September 1975; PC $3.50/MF $2.25.

Patent application 618,305: Apparatus for Increasing Augmentor; filed 29 September 1975; PC $3.50/MF $2.25.

Patent 3,902,686: Combined Vertical and Lateral Identical Location of Accelerometer and Force System; filed 17 October 1973; patented 2 September 1975; not available NTIS.

Patent 3,903,359: Strip Exposure Apparatus for Nucleation Medium; filed 4 February 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,444: Glass Anode Geiger-Muller Tube; filed 11 December 1973; patented 2 September 1975; not available NTIS.

Patent 3,903,489: Plasma Waveguide Switch Permitting Triggering With Both Cathode and Waveguide Grounded; filed 14 November 1973; patented 2 September 1975; not available NTIS.

Patent 3,906,214: Signal Retaining Analog Integrator Apparatus; filed 29 November 1973; patented 16 September 1975; not available NTIS.

Patent 3,906,252: Short Pulse RF Generator; filed 19 June 1974; patented 16 September 1975; not available NTIS.

Patent 3,906,361: Digital Phase Measuring System; filed 26 September 1973; patented 16 September 1975; not available NTIS.

Patent 3,908,936: Multiple Fluid Flow Proportioning System; filed 22 October 1974; patented 30 September 1975; not available NTIS.

Patent 3,909,145: Panel Grid Module Construction System; filed 28 March 1974, patented 30 September 1975; not available NTIS.

Patent 3,909,710: Magnetic Surface Wave Rotation Rate Sensor Using the Sagnac Effect; filed 14 January 1974; patented 30 September 1975; not available NTIS.

Patent 3,909,720: Performance Monitoring/Fault Location Test Set for Tropo-Radio Equipment; filed 11 December 1973; patented 30 September 1975; not available NTIS.

Patent 3,909,739: Radiation Hardened Sense Amplifier for Thin Film Memory Applications. Filed 27 May 1969. Patented 30 September 1975. Not available NTIS.

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

Patent application 582,572: Starch Graft Polymer Latexes; filed 30 May 1975; PC $3.50/MF $2.25.

Patent application 589,656: A Method of Preparing Feed Grain Compositions; filed 23 June 1975; PC $3.50/MF $2.25.

Patent 3,867,262: Production of Terpeneless Essential Oils; filed 21 May 1973; patented 18 February 1975; not available NTIS.

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

Patent application 538,490: Computer Interactive Resistance Simulator (CIRS); filed 3 January 1975; PC $3.50/MF $2.25.

Patent application 544,741: Improved Process for Calcining Radioactive Wastes Containing Sodium Nitrate; filed 28 January 1975; PC $3.50/MF $2.25.

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

Patent application 212,002: Immersible Diver's Microphone; filed 27 December 1971; PC $3.50/MF $2.25.

Patent application 462,827: A Process for Bonding a Ferro-Cement Structure with Fiberglass Reinforced Plastic; filed 22 April 1974; PC $3.50/MF $2.25.

Patent application 465,042: An Improved Electrical Field Change Meter; filed 29 April 1974; PC $3.50/MF $2.25.

Patent application 472,577: Magnesium-Boron Particulate Composites; filed 23 May 1974; PC $3.50/MF $2.25.

Patent application 479,738: A Pulse Width Control; filed 17 June 1974; PC $3.50/MF $2.25.

Patent application 486,035: Electric Field Measuring Device; filed 5 July 1974; PC $3.50/MF $2.25.

Patent application 486,250: Improved Target Locating Circuit Using a Lateral Photoelectric Diode; filed 5 July 1974; PC $3.50/MF $2.25.

Patent application 487,341: Automatic Frequency Control System; filed 10 July 1974; PC $3.50/MF $2.25.

Patent application 554,894: Low Power Driver; filed 3 March 1975; PC $3.50/MF $2.25.

Patent application 580,255: Optical Measurement of the Difference in Alignment Between Reference Frames; filed 30 July 1975; PC $3.50/MF $2.25.

Patent application 590,667: Band Comparison Concept; filed 26 June 1975; PC $3.50/MF $2.25.

Patent application 598,451: Radar System for Moving Target Indication; filed 23 July 1975; PC $4.00/MF $2.25.

Patent application 606,045: Acoustic Foghorn for Directional Signaling; filed 20 August 1975; PC $3.50/MF $2.25.

Patent application 606,917: Decal Removal Compound; filed 22 August 1975; PC $3.50/MF $2.25.

Patent application 612,384: Radar Detection of Turbulence in Precipitation; filed 11 September 1975; PC $3.50/MF $2.25.

Patent application 612,385: Real Time Analog Doppler processor for Weather Radar; filed 11 September 1975; PC $3.50/MF $2.25.

Patent application 612,429: Metal Interplayer Adhesive Technique; filed 11 September 1975; PC $3.50/MF $2.25.

Patent application 612,817: Liquid Propellant Gun; filed 12 September 1975; PC $3.50/MF $2.25.

Patent application 613,690: Liquid Propellant Gun; filed 15 September 1975; PC $3.50/MF $2.25.

Patent application 613,843: In situ Oceanographic Sample Separator; filed 16 September 1975; PC $3.50/MF $2.25.

Patent application 617,924: Variable Input Power Supply; filed 29 September 1975; PC $3.50/MF $2.25.

Patent application 622,283: Improved Antenna Feed for Tracking Radar; filed 10 October 1975; PC $3.50/MF $2.25.

Patent 3,515,388: Target Raising Mechanism; filed 8 May 1968; patented 2 June 1970; not available NTIS.

Patent 3,612,872: Selective Detector for Fission Neutrons; filed 26 May 1969; patented 12 October 1971; not available NTIS.

Patent 3,746,687: Phenylated Amide-Quinoxaline Copolymers; filed 21 November 1972; patented 17 July 1973; not available NTIS.

Patent 3,817,109: Materials Testing System; filed 30 August 1972; patented 18 June 1974; not available NTIS.

Patent 3,842,662: Pressure Release Test Device; filed 14 August 1972; patented 22 October 1974; not available NTIS.

Patent 3,842,664: Theta-Shaped Test Specimen for Composite Materials; filed 5 April 1973; patented 22 October 1974; not available NTIS.

Patent 3,843,766: Method of Reprocessing Nuclear Fuels; filed 9 December 1969; patented 22 October 1974; not available NTIS.

Patent 3,843,904: Magnetic Field Geometry for Crossed-Field Devices; filed 1 August 1973; patented 22 October 1974; not available NTIS.

Patent 3,843,938: Gated Clock Multivibrator; filed 9 March 1973; patented 22 October 1974; not available NTIS.

Patent 3,844,341: Rotatable Finned Heat Transfer Device; filed 22 May 1972; patented 29 October 1974; not available NTIS.

Patent 3,845,333: Alternate Lead/Ceramic Stave Free-Flooded Cylindrical Transducer; filed 27 September 1973; patented 29 October 1974; not available NTIS.

Patent 3,845,395: Harmonic Series Synthesizer; filed 2 November 1973; patented 29 October 1974; not available NTIS.

Patent 3,845,462: Sonar Signal Processing and Display Technique; filed 24 July 1972; patented 29 October 1974; not available NTIS.

Patent 3,862,052: Hydrogen Generating Compositions and Methods; filed 23 February 1973; patented 21 January 1975; not available NTIS.

Patent 3,868,503: Monochromatic Detector; filed 26 April 1973; patented 25 February 1975; not available NTIS.

Patent 3,875,510: Synchro Testing Calibrating Device; filed 5 October 1973; patented 1 April 1975; not available NTIS.

Patent 3,875,517: Tracking Phase Detector for Surface Wave Correlators; filed 26 November 1973; patented 1 April 1975; not available NTIS.

Patent 3,875,553: Directional Detection System; filed 27 December 1971; patented 1 April 1975; not available NTIS.

Patent 3,879,504: Method for Injection Molding of Explosive and Pyrotechnic Material; filed 12 November 1973; patented 22 April 1975; not available NTIS.

Patent 3,883: Optical Switch; filed 10 December 1973; patented 13 May 1975; not available NTIS.

Patent 3,883,869: Acquisition Logic Circuitry; filed 2 December 1970; patented 13 May 1975; not available NTIS.

Patent 3,884,585: Fiber Break Detection Methods for Cables using Multi-Fiber Optical Bundles; filed 25 February 1974; patented 20 May 1975; not available NTIS.

Patent 3,886,793: Projectile Body Testing Machine; filed 9 January 1974; patented 3 June 1975; not available NTIS.

Patent 3,889,257: Broadband Radar Signal Sampler Utilizing Television Scanning; filed 1 April 1974; patented 10 June 1975; not available NTIS.

Patent 3,889,463: Stress Relieving Liner; filed 27 June 1974; patented 17 June 1975; not available NTIS.

Patent 3,891,559: Dye Laser Transmitter-Resonant Fluorescent Detector System for Optical Communications; filed 2 August 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,569: Lasing Dyes; filed 11 February 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,961: Sonar Countermeasure; filed 27 February 1961; patented 24 June 1975; not available NTIS.

Patent 3,891,987: One-Operation Signal Processor; filed 18 September 1969; patented 24 June 1975; not available NTIS.

Patent 3,893,110: Device for Conversion and Display of Radar Returns; filed 27 May 1965; patented 1 July 1975; not available NTIS.

Patent 3,893,367: Mechanically Initiated Igniter; filed 10 June 1974; patented 8 July 1975; not available NTIS.

Patent 3,894,293: Object Locator System with Automatic Sensitivity Reduction for Large Signals; filed 29 January 1963; patented 8 July 1975; not available NTIS.

Patent 3,897,701: Torque Spanner Wrench; filed 20 November 1974; patented 5 August 1975; not available NTIS.

Patent 3,897,742: Deep Submergence Pressure Compensator; filed 4 June 1973; patented 5 August 1975; not available NTIS.

Patent 3,899,991: Weather Resistant Segmented Fairing for a Tow Cable; filed 17 December 1973; patented 19 August 1975; not available NTIS.

[FR Doc.76-6115 Filed 3-2-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of 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 AIR FORCE, AF/JACP, WASHINGTON, D.C. 20314

Patent application 608,955: High Power Reciprocal Co-Planar Waveguide Phase Shifter; filed 29 August 1975; PC $3.50/MF $2.25.

Patent application 612,530: Layered Dielectric Filter for Sidelobe Suppression; filed 11 September 1975; PC $3.50/MF $2.25.

Patent application 615,759: Low Power Solid State Three Phase Overcurrent/Undercurrent Protection Circuit; filed 22 September 1975; PC $3.50/MF $2.25.

Patent application 618,094: Projectile Guide Track; filed 30 September 1975; PC $3.50/MF $2.25.

Patent application 618,306: Discriminating Sensor for Contract Fuzing; filed 29 September 1975; PC $3.50/MF $2.25.

Patent application 618,307: Combinatorial Digital Filter; filed 29 September 1975; PC $3.50/MF $2.25.

Patent 3,909,145: Panel Grid Module Construction System; filed 28 March 1974; patented 30 September 1975; not available NTIS.

Patent 3,910,189: Deployment of Conductors into the Atmosphere; filed 25 March 1974; patented 7 October 1975; not available NTIS.

Patent 3,910,373: Acoustic Rotation Rate Sensor; filed 7 November 1973; patented 7 October 1975; not available NTIS.

Patent 3,912,915: Doppler Data Processor with Digital Computing Pulse Rate Filter; filed 1 May 1973; patented 14 October 1975; not available NTIS.

Patent 3,912,934: Variable Free Stream Buffer; filed 25 September 1974; patented 14 October 1975; not available NTIS.

Patent 3,912,986: High Voltage Capacitor; filed 16 January 1975; patented 14 October 1975; not available NTIS.

Patent 3,913,015: Tuned Current Probe; filed 26 July 1974; patented 14 October 1975; not available NTIS.

Patent 3,913,018: Time Sharing Radiometer System; filed 4 June 1973; patented 14 October 1975; not available NTIS.

Patent 3,913,990: Polytetrafluoroethylene-Lined Bearing Improvement; filed 29 June 1973; patented 21 October 1975; not available NTIS.

Patent 3,913,997: Cabinet Closure System; filed 9 July 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,184: Method for Converting Chrysotile Asbestos; filed 17 October 1973; patented 21 October 1975; not available NTIS.

Patent 3,914,597: System for Adjusting Individual Sensors in an Array; filed 12 July 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,637: Method and Apparatus for Focusing an Electron Beam; filed 29 April 1974; patented 21 October 1975; not available NTIS.

Patent 3,914,843: Method of Connecting a Metal Conduit to a Plastic Conduit; filed 20 December 1974; patented 28 October 1975; not available NTIS.

Patent 3,916,289: DC to DC Converter; filed 16 January 1975; patented 28 October 1975; not available NTIS.

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

Patent application 534,925: Synthesis of Antitumor Alkaloids; filed 20 December 1974; PC $3.50/MF $2.25.

Patent application 574,677: A Method of Preparing Powdered Elastomer Compositions; filed 5 May 1975; PC $3.50/MF $2.25.

Patent application 586,783: A Specimen Holder and Technique Employed to Effect a Continuous Maximum Concentration Gradient in Critical Point Drying; filed 13 June 1975; PC $3.50/MF $2.50.

Patent application 595,958: Lubrication Compositions; filed 14 July 1975; PC $3.50/MF $2.25.

Patent application 598,494: Carboxymthylated Cotton Fabric with Improved Conditioned and Wet Wrinkle Recovery by Reaction with Propylene or Ethylene Carbonate; filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 599,497: Isolation of Carboxy-Substituted Aliphatic Hydrocarbons; filed 28 July 1975; PC $3.50/MF $2.25.

Patent application 604,362: Water-Soluble Polymers Via an Outwardly Dry Polymerization Process; filed 13 August 1975, PC $3.50/MF $2.25.

Patent application 604,363: A Method of Making Nongelling Aqueous Cationic Dialdehyde Starch Compositions; filed 13 August 1975: PC $3.50/MF $2.25.

Patent application 611,374: Oligomeric Polysters from Long-Chain Dicarboxylic Acids as Plasticizers for Vinyl Polymers; filed 8 September 1975; PC $3.50/MF $2.25.

Patent application 619,412: New Composite Compositions from Graft Polymerized Rigid Fillers; filed 3 October 1975; PC $4.00/MF $2.25.

Patent application 630,373: Foamed and Solid Rubber-Starch Graft Copolymer Compositions and Methods of Preparation; filed 10 November 1975; PC $4.00/MF $2.25.

Patent application 642,836: Encapsulation by Entrapment; filed 22 December 1975; PC $4.00/MF $2.25.

Patent 3,766,219: Fluorinated Glycidyl Ethers and Use Thereof; filed 16 January 1970; patented 16 October 1973; not available NTIS.

Patent 3,767,531: Preparation of Insolubilized Enzymes; filed 14 February 1972; patented 23 October 1973; not available NTIS.

Patent 3,773,728: Copolymers of Fluoroalkyl Ethers and Maleic Anhydride; filed 14 July 1972; patented 20 November 1973; not available NTIS.

Patent 3,777,037: Cinnamyl Phenols Useful as Antimicrobial Agents; filed 31 October 1972; patented 4 December 1973; not available NTIS.

Patent 3,823,128: Preparation of Edible Protein from Leafy Green Crops Such as Alfalfa; filed 16 May 1972; patented 9 July 1974; not available NTIS.

U.S. ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20546.

Patent application 528,766: Method of Converting Nuclear-Fuel Wastes to an Inert Solid; filed 2 December 1974; PC $3.50/MF $2.25.

Patent application 533,112: Rapid Synthesis of Carrier Free 11C–Dopamine Hydrochloride; filed 16 December 1974; PC $3.50/MF $2.25.

Patent application 533,741: Intrusion Detector Self-Test System; filed 17 December 1974; PC $3.50/MF $2.25.

Patent application 536,694: Method of Producing Hydrogen; filed 26 December 1974; PC $3.50/MF $2.25.

Patent 3,878,502: Ultrasonic Temperature Telemetry System; filed 26 June 1973; patented 15 April 1975; not available NTIS.

Patent 3,883,379: Method of Improving the Corrosion Resistance of Nickel-Copper Alloys; filed 21 December 1972; patented 13 May 1975; not available NTIS.

Patent 3,883,819: Apparatus for Uniform Pumping of Lasing Media; filed 23 May 1974, patented 13 May 1975; not available NTIS.

Patent 3,884,718: Radioactive Battery; filed 19 April 1973; patented 20 May 1975; not available NTIS.

Patent 3,886,482: Traveling Wave Laser System; filed 19 September 1973; patented 27 May 1973; not available NTIS.

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

Patent application 446,257: A Unique Method of Raising Superconducting Temperature; filed 27 February 1974; PC $3.50/MF $2.25.

Patent application 497,549: Heat Transfer Device; filed 14 August 1974; PC $3.50/MF $2.25.

Patent application 511,328: The Solubilization of Chromate Salts in Organic Media; filed 2 October 1974; PC $3.50/MF $2.25.

Patent application 544,740: Epitaxial Film Transverse Junction PbSnTe Photodetector; filed 28 January 1975; PC $3.50/MF $2.25.

Patent application 549,396: Oil Level Detection Circuit; filed 12 February 1975; PC $3.50/MF $2.25.

Patent application 556,061: Radioactive Iodine (125I) Labeling of Latex Particles; filed 6 March 1975; PC $3.50/MF $2.25.

Patent application 561,386: Fluidic Inertial Gyro; filed 24 March 1975; PC $3.50/MF $2.25.

Patent application 566,461: Epitaxial PbSnTe-Metal Contact Photodetector; filed 9 April 1975; PC $3.50/MF $2.25.

Patent application 613,703: Water Weighted Corer; filed 15 September 1975; PC $3.50/MF $2.25.

Patent 3,564,820: Gaseous Flow Separator; filed 2 April 1969; patented 23 February 1971; not available NTIS.

Patent 3,860,550: Primer Coating Composition; filed 26 May 1971; patented 14 January 1975; not available NTIS.

Patent 3,868,139: Container Handling Spreader Bar; filed 28 February 1974; patented 25 February 1975; not available NTIS.

Patent 3,868,579: Regenerative, Synchronous, Pulse Phase Demodulator; filed 10 December 1973; patented 25 February 1975; not available NTIS.

Patent 3,868,633: Block Coded Communication System; filed 17 December 1973; patented 25 February 1975; not available NTIS.

Patent 3,869,668: Underwater Electrical Power Leakage Current Detector; filed 25 October 1973; patented 4 March 1975; not available NTIS.

Patent 3,873,292: Glass Casting Apparatus and Method; filed 18 March 1974; patented 25 March 1975; not available NTIS.

Patent 3,880,509: Wide-Angle On-Axis Projection System; filed 15 March 1974; patented 29 April 1975; not available NTIS.

Patent 3,881,285: Stacking and Elongating Building Structure; filed 24 September 1973; patented 6 May 1975; not available NTIS.

Patent 3,884,216: Electrochemical Energy Source for Diver Suit Heating; filed 19 September 1974; patented 20 May 1975; not available NTIS.

Patent 3,890,831: Ultrasonic Bond Monitor; filed 22 February 1974; patented 24 June 1975; not available NTIS.

Patent 3,890,840: Laser Controlled Fathometer; filed 7 June 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,871: Pressure Release Hemispherical Piezoelectric Type Transducer; filed 24 May 1974; patented 24 June 1975; not available NTIS.

Patent 3,891,928: VLF Phase Tracker with Phase Discretion; filed 25 March 1974; patented 24 June 1975; not available NTIS.

Patent 3,893,514: Suppression of Fires in Confined Spaces by Pressurization; filed 23 November 1973; patented 8 July 1975; not available NTIS.

Patent 3,894,894: Modified Double Base Propellents with Diisocyanate Crosslinker; filed 8 June 1962; patented 15 July 1975; not available NTIS.

Patent 3,895,294: Phase Change Measuring Circuit; filed 14 February 1974; patented 15 July 1975; not available NTIS.

Patent 3,895,515: Wing Thruster; filed 26 December 1973; patented 22 July 1975; not available NTIS.

Patent 3,895,861: Rear-Screen Wide-Angle On-Axis Projection System; filed 13 September 1974; patented 22 July 1975; not available NTIS.

Patent 3,896,390: High-Speed Sampler with Variable Sample Rate; filed 11 February 1974; patented 22 July 1975; not available NTIS.

Patent 3,897,008: Liquid Fuel Injector System; filed 24 September 1969; patented 29 July 1975; not available NTIS.

Patent 3,897,283: Plastic Bonded Explosive Composition; filed 19 May 1967; patented 29 July 1975; not available NTIS.

Patent 3,897,684: Permanent Magnet Type E.M. Current Meters; filed 25 March 1974; patented 5 August 1975; not available NTIS.

Patent 3,897,732: Hypervelocity Projectile; filed 21 March 1962; patented 5 August 1975; not available NTIS.

Patent 3,898,551: Average Voltage Detector for Nonlinear Waveforms; filed 2 May 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,600: Molded Bobbin Head Coil Assembly; filed 28 May 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,605: Integrated Optical Bolometer for Detection of Infrared Radiation; filed 19 June 1974; patented 5 August 1975; not available NTIS.

Patent 3,898,650: Tape Recording System for Radar; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,651: Memory Noise Canceler; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,656: Radar Data Converter and Display System; filed 27 June 1967; patented 5 August 1975; not available NTIS.

Patent 3,898,657: High Frequency Radar; filed 24 December 1968; patented 5 August 1975; not available NTIS.

Patent 3,898,658: Acceleration and Velocity Matching LO Generator; filed 2 April 1969; patented 5 August 1975; not available NTIS.

Patent 3,898,659: Data Storage and Conversion System; filed 9 June 1969; patented 5 August 1975; not available NTIS.

Patent 3,899,144: Powder Contrail Generation; filed 22 July 1974; patented 12 August 1975; not available NTIS.

Patent 3,899,145: Laser Transmitting and Receiving Lens Optics; filed 20 July 1973; patented 12 August 1975; not available NTIS.

Patent 3,899,239: Integrated Circuit Test Clamp; filed 24 June 1974; patented 12 August 1975; not available NTIS.

Patent 3,900,704: ARBS TV Tracker; filed 31 July 1972; patented 19 August 1975; not available NTIS.

Patent 3,900,721: Serial-Access Linear Transform; filed 14 February 1974; patented 19 August 1975; not available NTIS.

Patent 3,902,137: Electro-Optic Diffraction Grating Tuned Laser; filed 29 October 1974; patented 26 August 1975; not available NTIS.

Patent 3,902,353: Analog Gun (Selection of Consumable Cartridge Materials); filed 6 May 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,432: Integration Gate; filed 7 August 1974; patented 2 September 1975; not available NTIS.

Patent 3,903,483: Dye Laser for Holographic Applications; filed 7 January 1974; patented 2 September 1975; not available NTIS.

Patent 3,904,260: Method for Producing Magnetic Resonance Cells; filed 16 July 1974; patented 9 September 1975; not available NTIS.

Patent 3,905,132: Hidden Knowledge Detector; filed 7 November 1974; patented 16 September 1975; not available NTIS.

[FR Doc.76-6116 Filed 3-2-76;8:45 am]

Office of the Secretary

[Dept. Organization Order 30-5B]

OFFICE OF TELECOMMUNICATIONS

Statement of Organization and Assignment of Functions

This order effective February 19, 1976 supersedes the material appearing at 40 FR 17772 of April 22, 1975.

SEC. 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Office of Telecommunications (the "Office"). Department Organization Order 30-5A prescribes the scope of authority of the Director of the Office of Telecommunications and the functions of the Office.

.02 This revision changes the functional descriptions of both the Assistant Director for Program Development and Evaluation and the Institute for Telecommunication Sciences and abolishes the Policy Support Division. Specifically it:

a. Deletes the Assistant Director's responsibilities for coordination of program management (paragraph 3.03);

b. Establishes a new Associate Director, and Deputy Associate Director, for the Institute for Telecommunication Sciences (paragraph 4.01);

c. Identifies and separately describes the functions of each of the Institute's three program divisions (subparagraphs 4.02a., b., and c.); and

d. Abolishes the Policy Support Division and establishes two divisions, the Analytical Support Division and the Policy Research Division, to carry out the functions of the abolished division (Sections 7. and 8.).

SEC. 2. *Organization structure.* The organization structure and line of authority of the Office shall be as depicted in the attached organization chart. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The "Director," as the head of the Office, shall direct and be responsible for all operations of the organization.

.02 The "Deputy Director" shall assist the Director in directing the Office and perform the functions of the Director during his absence.

.03 The "Assistant Director for Program Development and Evaluation" shall initiate and maintain a formal program planning and evaluation system for all elements of the Office, including such functions as: supervising the planning and development of future programs; establishing management, evaluation, report, and control standards and procedures; evaluating past performance; and reviewing current performance.

.04 The "Administrative Officer" shall:

a. Provide analysis and assistance for the Director toward developing or improving the management systems of the Office, and

b. Be the principal assistant and advisor to the Director on administrative management and support functions, including: procurement, accounting, budgeting, personnel services, property management, security, emergency planning and civil defense, office services (such as mail, messenger, communications, and duplicating) and office management (such as records and forms management).

SEC. 4. *Institute for Telecommunication Sciences.* .01 The "Associate Director for Telecommunication Sciences" shall be Director of the Institute; shall develop and propose programs and plans for the Institute which will serve the needs of Federal agencies and the Department of Commerce; serve as the senior representative of the Director of the Office to other agencies, with the exception of the Office of Telecommunications Policy; monitor for sponsoring units the progress and scientific results of reimbursable and directly funded programs of the Institute for Telecommunication Sciences; conduct the planning, coordination, and review of the activities of the Office in the field of international telecommunications, particularly those related to the International Telecommunications Union; and provide for the representation of the Office in these matters. He shall be assisted by a "Deputy Associate Director" who shall perform the functions of the Associate Director during the latter's absence.

.02 The "Institute" shall provide the scientific, engineering, and technological competence necessary to enable the Office to:

Serve as the central Federal laboratory for research on the transmission of radio waves;

Predict electromagnetic wave propagation;

Advance efficient use of the electromagnetic spectrum for telecommunications;

Provide research, engineering, and analysis in the telecommunication sciences for other Federal agencies and State and local governments; and

Develop methods of measurement of system performance and standards of practice for telecommunications.

These duties shall be carried out by and through the organizations whose functions are listed below:

a. The "Applied Electromagnetic Science Division" shall:

1. Perform research and theoretical studies of electromagnetic wave transmission through the atmosphere (ionized and nonionized) and over the earth's surface to provide definitive data and information on transmission parameters which affect the design, performance reliability, coverage and predictability of telecommunication system performance;

2. Develop methods and techniques for statistically predicting the effects of transmission on radio system performance at different geographic locations and times; and

3. Maintain a current, centralized data base of electromagnetic wave transmission characteristics and their dependence upon environmental factors, for all radio frequencies, to serve industrial and government telecommunication systems planners and operators with fundamental information necessary in telecommunication management.

b. The "Spectrum Utilization Division" shall:

1. Perform research and engineering analysis to define critical limitations in, and provide alternative methods of, making more effective use of the radio spectrum;

2. Develop techniques for the estimation of radio system performance when operating in an environment which contains both wanted and unwanted (interfering radio signals and noise) signals that can be used for spectrum use analysis and planning, taking into account appropriate factors such as antennas, modulation type and propagation; and

3. Perform such measurements and analyses required to support the programs of the Office, other Federal agencies, and State and local governments for spectrum management purposes.

c. The "Systems Technology and Standards Division" shall:

1. Perform research and engineering analysis that will aid in the technical evaluation and assessment of the operation and planning of Government telecommunication systems (radio, cable and fiber optic);

2. Develop engineering and user oriented system performance criteria and methods of performance measurement for telecommunication systems; and

3. Develop, for use in system evaluation studies, laboratory techniques which adequately simulate the effects of radio transmission upon the performance of telecommunication systems.

SEC. 5. *Spectrum Management Support Division.* The Spectrum Management Support Division shall provide centralized technical and administrative support for coordination of Federal frequency uses and assignments and such other services and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director of the Office of Telecommunications Policy in the Executive Office of the President, in the performance of his responsibilities for the management of the radio spectrum.

SEC. 6. Telecommunications Analysis Division. The Telecommunications Analysis Division shall:

a. Conduct technical and economic research and analysis of a long-term, continuing nature to provide information and alternatives for the resolution of policy questions, including studies leading to the more efficient allocation and utilization of telecommunications resources;

b. Provide forecasts of technological developments affecting telecommunications and estimate their significance; and

c. Provide advisory services in telecommunications to agencies of Federal, State and local governments.

SEC. 7. Analytical Support Division. The Analytical Support Division shall provide analysis and operational support for the Office of Telecommunications Policy toward the evaluation and formulation of communications policies primarily in the areas of international communications and Federal Government communications activities. As such, it shall:

a. Assemble information about the status and trends of communications usage, facilities, and technologies;

b. Organize and summarize such information into factual findings;

c. Analyze and evaluate such findings so as to draw valid conclusions as to status, trends, and probable impact; and

d. Recommend, as requested, courses of action based on such conclusions in areas of negotiation, planning, and procurement.

SEC. 8. Policy Research Division. The Policy Research Division shall, as requested by the Office of Telecommunications Policy, provide in-depth, interdisciplinary research looking toward the understanding, development, and effective implementation of present and potential national communications policies. As such, it shall:

a. Analyze emerging communications policy issues and assemble data and perspectives bearing on these issues;

b. Develop optional approaches for the resolution of the issues;

c. Evaluate alternatives as to their technical, economic, social, and political ramifications and as to the ease of implementation of these alternative policies;

d. On the basis of its analysis and evaluation, recommend a choice of alternatives to the Office of Telecommunications Policy; and

e. Be responsive to occasional short-term analytical, computational, data search, and data compilation tasks formulated by the Office of Telecommunications Policy.

Effective date: February 19, 1976.

JOSEPH E. KASPUTYS,
Acting Assistant Secretary for Administration.

[FR Doc.76-6082 Filed 3-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 990]

ASSIGNMENT OF HEARINGS

FEBRUARY 27, 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.

AB 8 (Sub 2), Denver & Rio Grande Western Railroad Company Abandonment Between Montrose & Ridgeway, Montrose and Ouray Counties, Colorado, now being assigned May 12, 1976 at Montrose, Colorado, in a hearing room to be later designated.

MC-F 12433, F-B Truck Line Company—Purchase—Lester Smith Trucking, Inc., and MC 125433 (Sub 57), F-B Truck Line Company, now being assigned May 17, 1976 at Salt Lake City, Utah in a hearing room to be later designated.

MC-C 8866, Harry L. Young & Sons, Inc., & Melvin L. Johnson—Investigation of Operations and Practices and Revocation of Certificates, now being assigned May 24, 1976, in a hearing room to be later designated.

MC 37398, Sub 4, John J. Boyce Transportation, Inc., now being assigned May 17, 1976 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC 134535 (Sub 7), Casale Contract Carrier, Inc., now being assigned May 17, 1976 (1 day), at New York, New York, in a hearing room to be later designated.

MC 135078 (Sub 2), American Transport, Inc., now being assigned May 18, 1976 (1 day), at New York, New York, in a hearing room to be later designated.

MC 141081, Trailer Car Corp, now being assigned May 19, 1976 (3 days), at New York, New York, in a hearing room to be later designated.

MC 102520, Sub 5, Ric's Transfer Co., Inc., now being assigned May 18, 1976 (9 days), at Olympia, Wash., in a hearing room to be later designated.

MC 140918, Roger P. Mann dba R. P.M. Trucking Service, now assigned March 3, 1976, at Chicago, Ill., is cancelled and the application is dismissed.

MC 51146 (Sub 441), Schneider Transport, Inc. now being assigned April 12, 1976, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 140878 (Sub 1), Southside Trucking Co., Inc. now being assigned May 13, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 129486 (Sub 9), Page Trucking Co., Inc., now being assigned May 19, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 111729 (Sub 571), Purolator Courier Corp., now being assigned May 25, 1976, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 113627 (Sub 12), Columbia Motor Freight, Inc., now being assigned May 26, 1976, at the Offices of the Interstate Commerce Commission.

MC 107295, Sub 771, Pre-Fab Transit Co., now being assigned May 18, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 119789 Sub 261, Caravan Refrigerated Cargo, Inc., and MC 119988, Sub 83, Great Western Trucking Co., Inc., now being assigned May 20, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 109064, Sub 30, Tex-O-K-AN Transportation Company, Inc., now being assigned May 24, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 59531, Sub 103, Auto Convoy Co., now being assigned May 25, 1976 (4 days), at Dallas, Texas, in a hearing room to be later designated.

MC 141136, Triangel Express, Ltd., now being assigned May 10, 1976 (1 week), at Seattle, Washington, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6139 Filed 3-2-76;8:45 am]

[I.C.C. Order No. 139, Amdt. 2; Rev. S. O. No. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 139, and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 139 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76-6131 Filed 3-2-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 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 18, 1976.

FSA No. 43130—*Corn and Grain Sorghums from points in Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-588), for interested rail carriers. Rates on corn and grain sorghums, in carloads, as described in the application, from specified points in Missouri, to J J R Spur and Waldron, Arkansas.

Grounds for relief—Rate relationship.

Tariff—Supplement 9 to Southwestern Freight Bureau, Agent, tariff 225-N, I.C.C. No. 5212. Rates are published to become effective on April 3, 1976.

FSA No. 43131—*Barley, Corn, Etc., from Points in Missouri.* Filed by Southwestern Freight Bureau, Agent, (No. B-589), for interested rail carriers. Rates on barley, corn, etc., in carloads, as described in the application, from points in Missouri, to points in Arkansas, Oklahoma (Cedars only), Tennessee (Memphis only), and Texas (Bloomburg and Texarkana only).

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southwestern Freight Bureau, Agent, tariff 225-N, I.C.C. No. 5212. Rates are published to become effective on April 3, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6140 Filed 3-2-76;8:45 am]

[I.C.C. Order No. 88, Amdt. 9; Rev. S. O. No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 29, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 23, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6132 Filed 3-2-76;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 15]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, That special-type freight cars bearing railroad reporting marks and having mechanical designations identified in Car Service Directives 145, 150, 155 and 435, issued by the Executive Director and Chairman, Car Service Division, Association of American Railroads, are moved when empty, subject to the provisions of those orders; and that compliance with Car Service Rules 1 and 2 would under certain conditions, prevent the full use of these cars in the manner intended by the car owners.

It is ordered, That under authority vested in me by Car Service Rule 19, empty cars moved in the manner required by Car Service Directives 145, 150, 155 and 435 are hereby exempt from the provisions of Car Service Rules 1 and 2.

Effective February 20, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 18, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-6133 Filed 3-2-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

FEBRUARY 27, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before April 2, 1976. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 124154 (Sub-No. 64G), filed June 6, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides and insecticide materials*, except in bulk, in tank vehicles, from points in Tennessee, to points in Alabama. The purpose of this filing is to eliminate the gateways of Albany, Ga. and Bainbridge, Ga.

NOTE: This gateway elimination case is reopened pursuant to the Policy Statement published in the FEDERAL REGISTER issue of January 16, 1976.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 10788 (Sub-No. E9) (Correction), filed May 20, 1974, and published September 16, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngtown, Ohio 44501. Applicant's representative: Paul F. Beery, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products* thereof, from Buffalo, N.Y., and points in New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this correction is to indicate the correct territorial description sought in the above proposal.

No. MC 61825 (Sub-No. E665), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry D. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Harrison County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Anderson, Greenville, Oconee, Pickens, and Spartansburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E666), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jefferson County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E668), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monroe County, Ohio, located within 50 miles of Steubenville, Ohio, on

the one hand, and, on the other, points in Berkeley, Charleston, Clarendon, Dillon, Florence, Georgetown, Horry, Lee, Marion, Sumter, and Williamsburg Counties, S.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E669), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Stark County, Ohio, located within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E670), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio, located within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E671), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Brooke County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens County, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E672), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hancock County, W. Va., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E673), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Marshall County, W. Va., on the one hand, and, on the other, points in Berkeley, Charleston, Georgetown, and Horry Counties, S.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E674), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Anderson, Greenville, Laurens, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), Clarksburg, Lynchburg, and Weirton, W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E675), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Guernsey County, Ohio, on the one hand, and, on the other, points in Amelia, Dinwiddie, Powhatan, Amherst, Greensville, Prince Edward, Appomattox, Halifax, Prince George, Bedford, Isle of Wight, Brunswick, Lunenburg, Roanoke, Buckingham, Mecklenburg, Southampton, Campbell, Surry, Charlotte, Sussex, Nottoway, Cumberland, and Pittsylvania Counties, Va., including independent Cities in the above-named Counties, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E676) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Campbell, Halifax, Mecklenburg, Pittsylvania, Charlotte, Lunenburg, and Prince Edward Counties, Va., including independent Cities in the above-named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E677) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring

special equipment), between points in Beaver County, Pa., on the one hand, and, on the other, points in Amelia, Charlotte, Mecklenburg, Amherst, Cumberland, Montgomery, Appomattox, Floyd, Nottoway, Bedford, Franklin, Patrick, Botetourt, Halifax, Pittsylvania, Buckingham, Henry, Prince Edward, Campbell, Lunenburg, Washington, and Wythe Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E678) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Crawford County, Pa., on the one hand, and, on the other, points in Amelia, Campbell, Henry, Pittsylvania, Amherst, Charlotte, Lunenburg, Prince Edward, Appomattox, Cumberland, Mecklenburg, Roanoke, Bedford, Floyd, Montgomery, Washington, Botetourt, Franklin, Nottoway, Wythe, Buckingham, Halifax, and Patrick Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E679) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Butler County, Pa., on the one hand, and on the other, points in Amherst, Charlotte, Mecklenburg, Appomattox, Cumberland, Nottoway, Bedford, Floyd, Patrick, Buckingham, Halifax, Pittsylvania, Campbell, Henry, Prince Edward, and Lunenburg Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–6185 (Sub-No. E680) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Armstrong County, Pa., on the one hand, and, on the other, points in Amherst, Campbell, Henry, Nottoway, Appomattox, Charlotte, Lunenburg, Pittsylvania, Bedford, Halifax, Mecklenburg, and Prince Edward Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E681) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., and points in Allegheny County, Pa., on the one hand, and, on the other, points in Amherst, Charlotte, Nottoway, Appomattox, Halifax, Patrick, Bedford, Henry, Pittsylvania, Campbell, Lunenburg, Prince Edward, and Mecklenburg Counties, Va., including independent Cities in the above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E682) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Washington County, Pa., on the one hand, and, on the other, points in Campbell, Halifax, Pittsylvania, Charlotte, Mecklenburg, and Prince Edward Counties, Va., including independent cities in the above named counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–6185 (Sub-No. E683) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Warren County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Appomattox, Halifax, Pittsylvania, Bedford, Henry, Prince Edward, Campbell, Lunenburg, Pulaski, Carroll, Mecklenburg, Roanoke, Charlotte, Montgomery, Smyth, Floyd, Nottoway, Washington, Franklin, Patrick, Wythe, and Grayson Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E684) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Venango County, Pa., on the one hand, and, on the other, points in Amherst, Charlotte, Halifax, Montgomery, Appomattox, Cumberland, Henry, Nottoway, Bedford, Floyd, Lunenburg, Patrick, Buckingham, Franklin, Mecklenburg, Pittsylvania, Campbell, Prince Edward Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E685) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lawrence County, Pa., on the one hand, and, on the other, points in Amelia, Campbell, Halifax, Nottoway, Amherst, Charlotte, Henry, Patrick, Appomattox,

Cumberland, Lunenburg, Pittsylvania, Bedford, Floyd, Mecklenburg, Prince Edward, Botetourt, Franklin, Montgomery, Washington, Buckingham Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E686) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mercer County, Pa., on the one hand, and, on the other, points in Appomattox, Floyd, Nottoway, Bedford, Halifax, Patrick, Campbell, Henry, Pittsylvania, Charlotte, Lunenburg, Prince Edward, and Mecklenburg Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E687) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Erie County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Amelia, Carroll, Henry, Prince Edward, Amherst, Charlotte, Lunenburg, Pulaski, Appomattox, Cumberland, Mecklenburg, Roanoke, Bedford, Floyd, Montgomery, Smyth, Botetourt, Franklin, Nottoway, Washington, Buckingham, Grayson, Patrick, Wythe, Campbell, Halifax, and Pittsylvania Counties, Va., including independent Cities in the above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E688) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Forest County, Pa., on the one hand, and, on the other, points in Appomattox, Henry, Bedford, Lunenburg, Campbell, Mecklenburg, Charlotte, Patrick, Halifax, Pittsylvania Counties, Va., including independent Cities in above named Counties. The purpose of this filing is to eliminate the gateway of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC–61825 (Sub-No. E689) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Allegheny Counties, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E690) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Beaver County, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E691) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E692) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Lawrence County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E693) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Washington County, Pa., on the one hand, and on the other, points in Allendale, Colleton, Horry, Bamberg, Darlington, Jasper, Beaufort, Dillon, Lee, Berkley, Dorchester, Marion, Charleston, Florence, Marlboro, Chesterfield, Georgetown, Sumter, Clarendon, Hampton, and Williamsburg Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E694) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio. on the one hand, and, on the other, points in Berkeley, Florence, Marion, Charleston, Georgetown, Sumter, Clarendon,

Horry, and Williamsburg Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E695) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Berkeley, Dillon, Marion, Charleston, Florence, Marlboro, Chesterfield, Georgetown, Sumter Clarendon, Horry, Williamsburg, Darlington, and Lee Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E696) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Carroll County, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E697) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Columbiana County, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E698) filed May 13, 1974. Applicant: ROY STONE TANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Guernsey County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Dillion, Horry, and Marion Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E699) filed May 13, 1974. Applicant: ROY STONE TANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Harrison County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Anderson, Greenville, Oconee, Pickens, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E700) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jefferson County, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W.Va., Clarksburg, W.Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E701) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mahoning County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E702) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Monroe County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Dillon, Horry, Sumter, Charleston, Florence, Lee, Williamsburg, Clarendon, Georgetown, Marion Counties, S.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E703) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Stark County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E704) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina (except points in Abbeville, Laurens, Anderson, Oconee, Greenville, Pickens, Greenwood, and Spartanburg Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E705) filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteen St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Brooke County, W. Va., on the one hand, and, on the other, points in South Carolina (except points in Greenville, Oconee, and Pickens Counties, S.C.). The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E706) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordon, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hancock County, W. Va., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., Clarksburg, W. Va., and Lynchburg, W. Va.; or Lynchburg, Va., and Weirton, W. Va.

No. MC–61825 (Sub-No. E707), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in North Carolina (except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Graham, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rowan, Rutherford, Surry, Swain, Transylvania, Wautauga, Wilkes, Yadkin, and Yancey Counties, N.C.). The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E708), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction material, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Belmont County, Ohio, on the one hand, and, on the other, points in Alamance, Anson, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbia, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Johnton, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamilco, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E709), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Elk County, Pa., located within 125 miles of Wellsboro, W. Va., and points in Forest, Jefferson, and Indiana Counties, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 18 to Toluca, N.C., thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to Hickory, N.C., thence along U.S. Highway 64 to Lexington, N.C., thence along U.S. Highway 29 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 501 thence along U.S. Highway 501 to Durham, N.C., thence along U.S. Highway 70 to Raleigh, N.C., thence along North Carolina Highway 50 to Benson, N.C., thence along U.S. Highway 301 to Dunn, N.C., thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E710), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clarion County, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to Hickory, N.C., thence along Interstate Highway 40 to Winston-Salem, N.C., thence along North Carolina Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 1, thence along U.S. Highway 1 to Norlina, N.C., thence along North Carolina Highway 58 to Kinston, N.C., thence along U.S. Highway 70 to the Atlantic Ocean at or near Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E711), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., and points in Allegheny County, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 29 to Charlotte, thence along U.S. Highway 21 to Statesville, thence along Interstate Highway 40 to Winston-Salem, thence along U.S. Highway 311 to Madison, thence along U.S. Highway 220 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 301, thence along U.S. Highway 301 to Rocky Mount, thence along North Carolina Highway 43 to Greenville, thence along North Carolina Highway 30 to junction North Carolina Highway 33, thence along North Carolina Highway 33 to Washington, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at or near More Head City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E712), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C.

20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Armstrong and Butler Counties, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to Newton, thence along Interstate Highway 40 to Winston-Salem, thence along North Carolina Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to Scotland Neck, thence along U.S. Highway 258 to junction U.S. Highway 64, thence along U.S. Highway 64 to Bethel, thence along North Carolina Highway 33 to Washington, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at or near Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E713), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mercer and Warren County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 321 to Hickory, thence along Interstate Highway 40 to Winston-Salem, thence along North Carolina Highway 8 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to Oake City, thence along North Carolina Highway 11 to Bethel, thence along North Carolina Highway 33 to Washington, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at or near Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E714), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Beaver and Crawford Counties, Pa., and points in Erie County, Pa., located within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Garysburg, thence along U.S. Highway 158 to Jackson, thence along North Carolina Highway 305 to Rich Square, thence along North Carolina Highway 308 to Windsor, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean at Morehead City, N.C. The purpose of this filing is to eliminate the gateways of Coketown (Brooke County), W. Va., and Lynchburg, Va.

No. MC 92983 (Sub-No. E36), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508. Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed oil, soybean oil, and blends* thereof, *cottonseed oil products and soybean oil products*, in bulk, in tank vehicles, from points in Colorado to Evadale, Wilson, Osceola, Arkansas, and Macon, Ga.; (B) *cottonseed oil, soybean oil, blends, and products* thereof (except soap products and paint), in bulk, in tank vehicles, from points in Colorado to Macon, Ga., Jackson, Miss., and Cincinnati, Ohio; (C) *vegetable oils and vegetable oil products* (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paint), in bulk, in tank vehicles, from points in Colorado to points in Alabama, Ga. (except Macon, Ga., and Jackson, Miss.), and those points located in Adams, Wilkinson, and Amite Counties, Miss.; (D) *vegetable oil and vegetable oil products*, in bulk, in tank vehicles; (1) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along Colorado Highway 96 to Pueblo, thence along U.S. Highway 85 to Colorado Springs, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line, to points in New York; (2) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line to points in New York located on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 7, to Schenectady, thence along New York Highway 50 to Saratoga Springs, thence along U.S. Highway 4 to Glen Falls, thence along U.S. Highway 4 to the New York-Vermont State line.

(3) From points in Colorado located on, south and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 34 to junction Colorado Highway 71, thence along Colorado Highway 71 to the Colorado-Nebraska State line and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line, to New York City, N.Y.; (4) from pointns in Colorado located on and south of U.S. Highway 50 to points in Pennsylvania; (5) from points in Colorado located on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line and north of U.S. Highway 50 to points in Pennsylvania located on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction with Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to Lancaster, thence along Pennsylvania Highway 272 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Maryland-Pennsylvania State line; (6) from points in Colorado located on, south, and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 34 to Akdun, thence along Colorado Highway 63 to Atwood, thence along U.S. Highway 6 to Sterling, thence along Colorado Highway 113 to the Colorado-Nebraska State line and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Maybell, thence along unnumbered highway through Sunbeam to the Colorado-Wyoming State line to Philadelphia, Pa.

(7) From points in Colorado to points in Alabama; (8) from points in Colorado to points in Georgia (except Macon); (9) from points in Colorado located in, north, and west of Anchuleta, Mineral, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Mississippi (except Jackson); (10) from points in Colorado located in, south, and east of Conejos, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Mississippi located in, north, and east of Clairborne, Copiah, Lincoln, and Pike Counties (except Jackson); (11) from points in Colorado located on and south of a line extending from the Colorado-New Mexico State line

along U.S. Highway 84 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line and Trinidad, Colo., to points in Michigan located on and east of a line extending from the Michigan-Ohio State line along U.S. Highway 23 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 30, thence along Michigan Highway 30 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction Michigan Highway 18, thence along Michigan Highway 18 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Michigan Highway 27, thence along Michigan Highway 27 to Cheboygan, on Lake Huron; (12) from points in Colorado to points in Louisiana located in Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes; (13) from points in Colorado located on and north of a line extending from the Colorado-Kansas State line along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line to points in Louisiana located in and east of Morehouse, Quachita, Caldwell, Catahoula, Concordia, Pointe Coupee, Iberville, St. Martin, and St. Mary Parishes except Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes.

(E) *Dry chemicals,* in bulk, and liquid chemicals, in bulk, in tank vehicles; (1) from points in Colorado located on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line, to points in Minnesota located on and east of a line beginning at International Falls and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to North Branch, thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line and to points in Minnesota located in and east of Goodhue, Dodge, and Mower Counties; (2) from points in Colorado on, south, and west of a line beginning at the Colorado-Kansas State line and extnding along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line (except from points on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line), to points in Minnesota on and east of a line beginning at Lake City and extending along U.S. Highway 63 to the Minnesota-Iowa State line; (3) from points in Colorado to points in Wisconsin located in, south, and east of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Monroe, and LaCrosse Counties.

(4) From points in Colorado located on, south, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction with U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to junction Colorado Highway 789, thence along Colorado Highway 789 to the Colorado-Wyoming State line, to points in Wisconsin located in Ashland, Iron, Price, Taylor, Chippewa, Clark, Jackson, Eau Clair, Pepin, Trempeleau, and Buffalo Counties; (5) from points in Colorado located in Dolores, San Juan, Montezuma, and LaPlata Counties, to points in Wisconsin located in, north, and west of Bayfield, Sawyer, Rusk, Barron, Dunn, and Pierce Counties; (F) *spent phosphoric acid,* in bulk, in tank vehicles, from points in Colorado to points in Arkansas and Louisiana; (G) *acids and chemicals,* in bulk, in tank vehicles, from points in Colorado located in Phillips, Sedgwick, and Logan Counties Dallas, Tex.; (H) *chemicals,* in bulk, from points in Colorado to points in Kentucky, North Carolina, Ohio, and South Carolina; (I) *trichloromonofluoromethane, dichlorofluoromethane, munochlorodifluoromethane, trichlorotriuoromethane, dichlorotetrafluoroethane and mixtures* thereof, in bulk, in tank vehicles, (1) from points in Colorado to points in Alabama located in, north, and east of Pickens, Greene, Hale, Perry, Dallas, Lowndes, Butler, and Covington Counties (except Fox, Ala.); (2) from points in Colorado located in and north of Montrose, Ouray, Gunnison Saguache, Custer, Pueblo (except that portion east of Interstate Highway 25 and south of U.S. Highway 50), El Paso, Lincoln, Cheyenne Counties to points in Alabama located in, south, and west of Sumter, Marengo, Wilcox, Monroe, Conecuh, and Escambia Counties; (J) *chemicals,* in bulk, from points in Colorado to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (K) *acids and chemicals* (except those derived from petroleum, petroleum products, synthetic resins and varnish), in bulk, in tank or hopper vehicles.

(1) From points in Colorado located in, south, and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele, and Freeborn Counties, and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (2) from points in Colorado located in, south, and west of Montrose, Quray, Hinsdale, Saguache, Chaffee, Fremont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, LaSueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Stearns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Mille Lacs, Kanabec, Wadena, Cass, Crow Wing, Aitkin, Hubbard, Clearwater, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and St. Louis County on and west of U.S. Highway 53 and those on and north of Minnesota Highway 169; (3) from points in Colorado located in and south of Montezuma, LaPlata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Las Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mahnomen, Polk, Red Lake, Pennington, Marshall, and Kitson Counties, and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; (L) *liquid chemicals,* in bulk, in tank vehicles (except chemicals derived from petroleum and petroleum products); (1) from points in Colorado located in Mesa, Pitkin, Eagle, Lake, Summit, Park, Clear Creek, Denver, Jefferson, Teller, Douglas, Gilpin, Arapahoe, Elbert, El Paso, Lincoln, and Cheyenne Counties, to points in Texas located in Bowie County; (2) from points in Colorado located in Garfield and Rio Blanco Counties, to points in Texas located in Lamar, Red River, Bowie, Franklin, Titus, Camp, Morris, and Cass Counties; (3) from points in Colorado located in Grand, Boulder, Adams, Washington, Yuma, and Kit Carson Counties, to points in Texas located in, north, and east of Red River, Franklin, Camp, Upsur, Gregg, Harrison, Panola, Shelby, San Augustine, Jasper, and Newton Counties.

(4) From points in Colorado located in Moffat, Routt, Jackson, Larimer, Weld, and Morgan Counties, to points in Texas in and east of Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Angelina, Polk, Liberty, Chambers and Galveston Counties (except those located in Jefferson and Orange Counties); (5) from points in Colorado located in Logan, Sedgwick, and Phillips Counties to points in Texas located in and east of Lamar, Delta, Hopkins, Rains, Van Zandt, Henderson, Anderson, Houston, Walker, Montgomery, Waller, Fort Bend, and Brazoria Counties (except those located in Harris, Jefferson and Orange Counties); (M) *phosphoric acid,* in bulk, in tank vehicles; (1) from points in Colorado, to points in Alabama located in, north, and east of LaMan, Fayette, Tuscalusa, Bibb, Penny, Dallas, Lowndes, Butler, and Covington Counties; (2) from points in Colorado located in and north of Montrose, Gunnison, Pitkin, Lake, Park, Teller, El Paso, Lincoln, and Cheyenne Counties, to

points in Alabama located in, south, and west of Pickens, Green, Hale, Marengo, Wilcox, Monroe, Conecuh, and Escambia Counties; (N) *acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in and north of Montrose, Gunnison, Pitkin, Lake, Park, Teller, El Paso, Lincoln, and Cheyenne Counties, to points in Arkansas (2) from points in Colorado located in San Miguel, Dolores, Montezuma, Quray, San Juan, LaPlata, Hinsdale, Mineral, Archuleta, Sagauche, Rio Grande, Alamosa, Conejos, Chaffee, Fremont, Custer, Publo, Crowley, Otero, and Kiowa Counties to points in Arkansas located in, north, and east of Crawford, Franklin, Logan, Yell, Garland, Hot Springs, Quachita, and Union Counties; (3) from points in Colorado located in Costilla, Huerfano, Las Animas, Baca, Bent, and Prowers Counties, to points in Arkansas located in, north, and east of Washington, Madison, Newton, Pope, Conway, Faulkner, Pulaski, Jefferson, Lincoln, Desha, and Chicot Counties; (4) from points in Colorado, to points in Kansas located in Cherokee, Crawford, Bourbon, Anderson, Linn, Franklin, Miami, Douglas, Johnson, and Jefferson Counties, and those located in Doniphan and Atchison Counties on and east of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Kansas Highway 120, thence along Kansas Highway 120 to junction Kansas Highway 20, thence along Kansas Highway 20 to U.S. Highway 73, thence along U.S. Highway 73 to Lancaster, thence along unnumberd highway to U.S. Highway 159, thence along U.S. Highway 159 to the Atchison-Jefferson County line.

(5) From points in Colorado in and west of Larimer, Boulder, Denver, Jefferson, Park, Chaffee, Saguache, Alamosa, and Costilla Counties, to points in Kansas located in Jackson and Brown Counties, and those in Shawnee and Osage Counties on and east of U.S. Highway 75 and those in Doniphan and Atchison Counties located west of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Kansas Highway 120, thence along Kansas Highway 120 to Kansas Highway 20, thence along Kansas Highway 20 to U.S. Highway 73, thence along U.S. Highway 73 to Lancaster, thence along unnumbered highway to U.S. Highway 159, thence along U.S. Highway 159 to the Atchison-Jefferson County line; (6) from points in Colorado in, north, and west of Phillips, Washington, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Mesa, Delta, Montrose, Quray, San Juan, and La Plata Counties, to points in Kansas located in Montgomery, LaBette, Wilson, Neosho, Woodson, and Allen Counties and those in Coffee County on and east of U.S. Highway 75; (7) from points in Colorado located in and south of Montezuma, La Plata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Nebraska located in Cass, Otoe, Nemaha and Richardon Counties; (8) from points in Colorado located in Montezuma and La Plata Counties, to points in Nebraska located in Douglas and Sarpy Counties; (9) from points in Colorado to points in Illinois located in, south, and east of Winnebago, Ogle, Lee, Bureau Stark, Knox, and Mercer Counties, and to points in Iowa located in Des Moines, Lee and Van Buren Counties and in Davis and Appanoose Counties on and south of Iowa Highway 2 and on and east of Iowa Highway 5; (10) from points in Colorado located in, south, and west of Weld, Adams, Washington, and Yuma Counties, to points in Illinois located in Jo Daviess, Stevenson, Carroll, Whiteside, Rock Island, and Henry Counties and to points in Iowa located in Dubuque, Jones, Jackson, Cedar, Clinton, Scott, Muscatine, Louisa, Washington, Henry, Keokuk, Jefferson, Wapello, and Monroe Counties, and in Davis and Appanoose Counties north of Iowa Highway 2 and in Appanoose County south of Iowa Highway 2 and west of Iowa Highway 5; (11) from points in Colorado located in, south, and west of Jackson, Grand, Gilpin, Jefferson, Adams, Washington and Yuma Counties, to points in Iowa located in and east of Worth, Cerro Gordo, Franklin, Hardin, Story, Polk, Dallas, Madison, Union, and Rinegold Counties and in and west of Allamakee, Clayton, Delaware, Linn Johnson, Iowa, Poweshiek, Manhaska, Marion, Lucas, and Wayne Counties.

(12) From points in Colorado in and south of Kiowa, Crowley, Pueblo, Fremont, Saguache, Hinsdale, Quray, and Montrose Counties, to points in Iowa located in and east of Dickinson, Clay, Buena Vista, Sac, Carroll, Shelby, Pottawatomie, Mills, and Freemont Counties and in and west of Winnebago, Hancock, Wright, Hamilton, Boone, Greene, Guthrie, Adair, Adams, and Taylor Counties; (13) from points in Colorado to points in Missouri located in and east of Mercer, Grundy, Daviess, Caldwell, Clinton, Platte, Clay, Jackson, Cass, Bates, Vernon, Cedar, Dade, Lawrence, and Banny Counties; (14) from points in Colorado located in, north, and west of Los Animas, Otero, Crowley, and Kiowa Counties, to points in Missouri located in Barton, Jasper, Newton, and McDonald Counties; (15) from points in Colorado located in, south, and west of Jackson, Grand, Gilpin, Jefferson, Adams, Washington, and Yuma Counties, to points in Missouri located in Nodaway, Andrew, Buchanan, Worth, Gentry, De Kalb, and Harrison Counties; (16) from points in Colorado located in and south of Montrose, Quray, Hinsdale, Saguache, Fremont, Pueblo, Crowley, and Kiowa Counties to points in Missouri located in Atchison and Holt Counties; and (O) *acetic acid*, in bulk, in tank vehicles, from points in Colorado to points in Alabama. The purpose of this filing is to eliminate the gateways of (A), (B), (C), and (D); Memphis, Tenn.; (E); Burlington, Iowa; (F) Leacox, Okla. (Oklahoma City, Okla., Commercial Zone); (G) and (H); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (I); Kansas City, Kans.-Kansas City, Mo. Commercial Zone, and Marshall County, Ky.; (J) and (K); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (L); Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Lawrence, Kans.; (M) Kansas City, Kans.-Kansas City, Mo., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Columbia, Tenn.; (N); Olathe, Kans., a point in the Kansas City Kans., Commercial Zone; and (O); Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Memphis, Tenn.

No. MC 92983 (Sub-No. E37), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in Douglas, Elbert, Lincoln, Kit Carson, Washington, and Yuma Counties, to points in Oklahoma located in and east of Nowata, Rogers, Tulsa, Wagoner, Muskogee, Haskell, LeFlore, and McCurtain Counties; (2) from points in Colorado in and north of Mesa, Delta, Pitkin, Lare, Summit, Clear Creek, Jefferson, Arapahoe, Adams, Morgan, Logan, and Phillips Counties, to points in Oklahoma located in and east of Washington, Tulsa, Wagoner, Muskogee, McIntosh, Pittsburgh, Pushmataha, and Chuctaw Counties; (B) *caustic soda*, in bulk, in tank vehicles; from points in Colorado located in and north of Mesa, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Washington, and Kit Carson Counties, to Houston, Tex.; (C) *liquid chemicals*, in bulk, in tank vehicles, from points in Colorado to points in Rhode Island; (D) *such chemicals*, as are embraced within lard and animal oils, fats, grease and tallow, in bulk, in tank vehicles; from points in Colorado to points in Maine, Massachusetts, New Hampshire, and Vermont; (E) *such chemicals*, as are embraced within fats, oil, blends and products thereof (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paint), in bulk, from points in Colorado to points in Florida; (F) *acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado to points in Michigan located in the lower peninsula and points located in Luce, Chippewa, and Mackinac Counties; (2) from points in Colorado located in, south, and west of Routt, Grand, Boulder, Adams, Arapahoe, Lincoln, and Kit Carson Counties to points in Michigan located in Marquette, Dickinson, Menominee, Alger, Delta, and Schoolcraft Counties; (3) from points in Colorado located in and south of Montrose, Gunnison, Chaffee, Fremont, Pueblo, Crowley, and Kiowa Counties, to points in Michigan located in Gogebic, Ontumagon, Iron, and Baraga Counties.

(4) From points in Colorado in, south, and west of Jackson, Grand, Boulder,

Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Massachusetts; (5) from points in Colorado located in Larimer, Weld, Morgan, Washington, and Yuma Counties, to points in Massachusetts located in Essex, Suffolk, Norfolk, Bristol, Plymouth, and Barnstable Counties, and in the Boston, Mass., Commercial Zone; (6) from points in Colorado located in Logan County, to points in Massachusetts located in Norfolk, Bristol, Plymouth, and Barnstable Counties, and in the Boston, Mass., Commercial Zone; (G) *liquid and dry chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado to points in Wisconsin, located in and east of Florence, Marinette, Oconto, Brown, Calumet, Sheyboygan, Washington, Waukesha, Jefferson, and Rock Counties; (2) from points in Colorado located in, south and west of Routt, Grand, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Wisconsin, located in Forest, Langlade, Oconto, Menomonie, Portage, Waupaca, Outagamie, Adams, Waushara, Winnebago, Marquette, Green Lake, Fond Du Lac, Richland, Sauk, Columbia, Dodge, Crawford, Grant, Iowa, LaFayette, Dane, and Green Counties and Marathon County on and east of U.S. Highway 51; (3) from points in Colorado located in, south, and west of Rio Blanco, Garfield, Pickin, Lake, Park, Teller, El Paso, Pueblo, Crowley, and Kiowa Counties, to points in Wisconsin located in Iron, Vilas, Price, Onedia, Taylor, Lincoln, Clark, Wood, Jackson, LaCrosse, Monroe, Juneau, and Vernon Counties and in Marathon County west of U.S. Highway 51; (4) from points in Colorado located in Montezuma, LaPlata, and Archuleta Counties, to points in Wisconsin located in and west of Ashland, Sawyer, Rusk, Chippewa, Eau Claire, and Trempealeau Counties, (H) *chemicals*, in bulk, from points in Colorado to points in Alabama (except Bay Minette); (I) *acids and chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in, south, and west of Garfield, Pitkin, Lake, Chaffee, Fremont, Teller, El Paso, Pueblo, Crowley, Otero, Bent, and Baca Counties, to points in Minnesota located in Winona, Fillmore, and Houston Counties; (2) from points in Colorado located in, south, and west of San Miguel, Quray, Hinsdale, Mineral, Rio Grande, Alamosa, Huerfano and Los Animas Counties, to points in Minnesota located in St. Louis, Lake, Cook, Goodhue, Wabasha, Dodge, Olmstead, and Mower Counties; (3) from points in Colorado located in Montezuma and La Plata Counties, to points in Minnesota located in Koochiching, Itasca, Aitken, Carlton, Kanabec, Pine, Isanti, Chisago, Anoka, Ramsey, Washington, and Dakota Counties; (J) *chemicals*, in bulk, in tank or hopper vehicles, from points in Colorado to points in Tennessee; (K) *acids and chemicals*, in bulk, in tank vehicles.

(1) From points in Colorado to points in Mississippi located in, north, and east of Washington, Humphreys, Holmes, Attala, Leake, Scott, Smith, Covington, Lamar, Pearl River, and Hancock Counties; (2) from points in Colorado located in, north, and west of Archleta, Mineral, Rio Grande, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Mississippi located in, south, and west of Issaquena, Sharkey, Yazoo, Madison, Rankin, Simpson, Jefferson Davis, and Marion Counties; (L) *anhydrous ammonia*, in bulk, in tank vehicles, from points in Colorado to points in Alabama located within 400 miles of Woodstock, Tenn.; (M) *acids and chemicals* (except cyrogenic liquids), in bulk, in tank or hopper vehicles; (1) from points in Colorado located in Dolores, San Juan, Hinsdale, Mineral, Archuleta, Rio Grande, Conejos, Alamosa, Costilla, Huerfano, and Los Animas Counties to points in Minnesota in, north, and east of Norman, Becker, Otter Tail, Douglas, Todd, Stearns, Wright, Hennepin, Dakota, Good Hue, Olmstead, Winona, and Houston Counties; (2) from points in Colorado located in Montezuma and La Plata Counties, to points in Minnesota; (N) *liquid chemicals*, in bulk, in tank or hopper vehicles; (1) from points in Colorado located in and north of Mesa, Garfield, Eagle, Summit, Grand, Boulder, Adams, Washington, and Yuma Counties, to points in Texas located in Bowie County; (2) from points in Colorado located in Logan, Sedgwick and Phillips Counties, to points in Texas located in and east of Red River, Franklin, Camp, Upsur, Smith, Cherokee, Angelina, Tyler, Hardin, and Jefferson Counties except those located in Bowie County; (O) *acids and chemicals*, in bulk; (1) from points in Colorado to points in Louisiana located in Washington and St. Tammany Counties; (2) from points in Colorado located in, north, and west of Costilla, Huerfano, Pueblo, Otero, Bent, Prowers Counties, to points in Louisiana located in and east of Morehouse, Quachita, Richland, Franklin, Tensas, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne Counties (except those located in Washington and St. Tammany Counties); (3) from points in Colorado located in and north of San Miguel, Quray, Gunnison, Saguache, Custer, Pueblo, Otero, Bent, and Prowers Counties to points in Louisiana located in Union, Lincoln, Jackson, Winn, Caldwell, Grant, LaSalle, Catahoula, Avoyelles, St. Landry, LaFayette, St. Martin, Iberia, and St. Mary Counties; (4) from points in Colorado located in and north of Mesa, Delta, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Lincoln, and Cheyenne Counties to points in Louisiana located in and west of Clairborne, Bienville, Natchitoches, Rapides, Evangeline, Acadia, and Vermillion Counties; (P) *chemicals*, from points in Colorado to points in Connecticut, Georgia, and Indiana, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen, to points in Georgia.

(Q) *Such petroleum and petroleum products* as may be embraced within contractors materials and supplies, in bulk, in tank vehicles, and as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (1) from points in Colorado to points in Iowa located in and east of Dickinson, Clay, Buena Vista, Sac, Crawford, Shelby, Pottawatomie, Mills, and Fremont Counties; (2) from points in Colorado located in, south, and west of Jackson, Grand, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Cheyenne Counties to points in Iowa located in Lyon, Osceola, Sioux, Obrien, Plymouth, Cherokee, Woodbury, Ida, Montana, and Harrison Counties; (R) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado to points in Illinois located on and north of U.S. Highway 40 from East St. Louis, to Effingham and on and west of U.S. Highway 45 from Effingham to the Illinois-Wisconsin State line; (2) from points in Colorado to points in Wisconsin located on and south of U.S. Highway 18 and on and west of U.S. Highway 45; (S) *petroleum products* (except cryogenic liquids), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from points in Colorado to points in Kansas located on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 159 to Nortonville, thence along U.S. Highway 59 to the Kansas-Oklahoma State line; (2) from points in Colorado located on and west of Interstate Highway 25 to points in Kansas located on and east of U.S. Highway 75 and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 159 to Nortonville, thence along U.S. Highway 59 to the Kansas-Oklahoma State line; (3) from points in Colorado located in, north, and west of Routt, Garfield, and that part of Mesa County on and north of U.S. Highway 6 to points in Kansas on, south, and east of a line beginning at Kansas City and extending along the Kansas Turnpike to junction with Kansas Highway 99 near Emporia, thence along Kansas Highway 99 to the Kansas-Oklahoma State line (except those points located on and east of U.S. Highway 75).

(T) *Such paint materials*, as are embraced within petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado on, north, and east of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 24 to the Kit Carson-Lincoln County line to Washington County, thence along the Lincoln-Washington County line to junction unnumbered highway, thence along unnumbered highway through Thurman to Anton, thence along Colorado Highway 63 to Akaron, thence along U.S. Highway 34 to Greeley, thence along U.S. Highway 85 to the Colorado-Wyoming State line to Houston, Tex.; (2) from points in Colorado on and north of a line beginning at the Colo-

rado-Nebraska State line and extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to Tulsa, Okla.; (U) *petroleum products* (except residual fuel oils), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (1) from points in Colorado located on, south, and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to Sterling, thence along U.S. Highway 6 to Atwood, thence along Colorado Highway 63 to Arriba, thence along U.S. Highway 24 to the Kansas-Colorado State line, to points in Wisconsin located on, north, and east of a line beginning at Green Bay and extending along Wisconsin Highway 29 to Shawano, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line; (2) from points in Colorado located on, south, and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to Rifle, thence along U.S. Highway 6 to Glenwood Springs, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to Colorado Springs, thence along U.S. Highway 85 to Pueblo, thence along U.S. Highway 50 to the Kansas-Colorado State line to points in Wisconsin located on, north, and east of a line beginning at Manitowac and extending along U.S. Highway 10 to Appleton, thence along U.S. Highway 45 to Monico, thence along U.S. Highway 8 to Rhinelander, thence along Wisconsin Highway 47 to Woodruff, thence along U.S. Highway 51 to the Wisconsin-Michigan State line (except points located on, north, and east of a line beginning at Green Bay and extending along Wisconsin Highway 29 to Shawano, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line.

(3) From points in Colorado on, south, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line to points in Wisconsin located in an area bounded by a line beginning at Woodruff and extending along Wisconsin Highway 47 to Rhinelander, thence along U.S. Highway 8 to Monico, thence along U.S. Highway 45 to Wittenberg, thence along Wisconsin Highway 29 to Wausau, thence along U.S. Highway 51 to the point of beginning including points on Wisconsin Highway 29 and U.S. Highway 51; (4) from points in Colorado on, south, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 666 to Lewis, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line, to points in Wisconsin in an area bounded by a line beginning at Sheboygan and extending along Wisconsin Highway 23 to Fon Du Lac, thence along U.S. Highway 41 to Appleton, thence along U.S. Highway 10 to Matitowoc, thence along Lake Michigan to the point of beginning; (V) *such paints, resins, varnishes, and lacquers*, as are embraced within *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (1) from points in Colorado to points in Arkansas located on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (2) from points in Colorado on, north and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Pueblo, thence along Colorado Highway 96 to the Custer-Pueblo County line, thence along the eastern and southern County lines of Custer, Saguache, Alamosa, Rio Grande 8, Archuleta Counties including all points in said Counties, to points in Arkansas on, north, and east of a line beginning at Fort Smith and extending along Arkansas Highway 92 to Dardanell, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line; (4) from points in Colorado to points in Mississippi.

(W) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado located in, north, and west of Logan, Morgan, Weld, Boulder, Jefferson, Denver, Clear Creek, Summit, Eagle, Pitkin, Mesa, Delta, Montrose, Quray, San Juan, and La Plata Counties, to Kansas City, Kans.; (2) from points in Colorado located in, north, and west of Routt, Garfield, and Mesa Counties, to points in Kansas located on and east of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 7 to Olathe, thence along Kansas Highway 150 to the Kansas-Missouri State line (except Kansas City, Kans.); (3) from points in Colorado to points in Iowa in and east of Winneshiek, Fayette, Buchanan, Benton, Iowa, Keokuk, Manhaska, Monroe, Lucas, and Wayne Counties; (4) from points in Colorado in, south, and west of Larimer, Boulder, Adams, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Iowa located in Worth, Mitchell, Howard, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Story, Marshall, Tama, Polk, Jasper, Poweshiek, Warren, Marion, Clark, and Decatur Counties; (5) from points in Colorado in, south, and west of San Miguel, Quray, Hinsdale, Mineral, Rio Grande, Alamosa, and Costilla Counties, to points in Iowa, located in Emmet, Palo Alto, Kossuth, Winnebago, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Greene, Boone, Guthrie, Dallas, Adair, Madison, Union, and Ringgold Counties; (6) from points in Colorado to points in Wisconsin located in, south, and east of Vernon, Monroe, Juneau, Wood, Marathon, Langlade, and Forest Counties; (7) from points in Colorado located on and south of a line beginning at the Colorado-Kansas State line and extendinig along U.S. Highway 50 to Salida, thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence located along U.S. Highway 6 to the Colorado-Utah State line, to points in Wisconsin located in Bayfield, Ashland, Iron, Vilas, Sawyer, Price, Oneida, Rusk, Taylor, Lincoln, Chippewa, Clark, Pepin, Eau Claire, Buffalo, Trempealeau, Jackson, and LaCrosse Counties; (8) from points in Colorado located in, south, and west of San Miguel, San Juan, Hinsdale, Mineral, and Archuleta Counties, to points in Wisconsin located in, north, and west of Douglas, Washburn, Barrow, Dunn, and Pierce Counties; (9) from points in Colorado located in, south and west of San Miguel, San Juan, Hinsdale, Mineral, Rio Grande, and Conejos Counties, to points in Wisconsin.

(10) From points in Colorado located on, south, and west of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to Salida, Colo., thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line (except from points in, south, and west of San Miguel, San Juan, Hinsdale, Mineral, Rio Grande, and Conejos Counties), to points in Wisconsin located on, south, and east of a line beginning at Ashland and extending along U.S. Highway 63 to Trego, thence along U.S. Highway 53 to Eau Claire, thence along Wisconsin Highway 85 to Durand, thence along Wisconsin Highway 25 to the Minnesota-Wisconsin State line; (11) from points in Colorado located in an area bounded by a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to Ault, thence along Colorado Highway 14 to Sterling, thence along U.S. Highway 6 to the Colorado-Kansas State line, thence along the Colorado-Kansas State line to junction U.S. Highway 50, thence along U.S. Highway 50 to Salida, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 6 to the Colorado-Utah State line, thence along the Colorado-Utah State line to the Colorado-Wyoming State line, thence along the Colorado-Wyoming State line to the point of beginning to points in Wiscon-

sin located on, south, and east of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Merrill, thence along U.S. Highway 51 to Wausau, thence along Wisconsin Highway 29 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to Marshfield, thence along Wisconsin Highway 13 to junction with Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction with U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-Wisconsin State line; (12) from points in Colorado located north and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to Ault, thence along Colorado Highway 14 to Sterling, thence along U.S. Highway 6 to the Colorado-Kansas State line to the Milwaukee, Wis., Commercial Zone; (13) from points in Colorado on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Salida, Colo., thence along Colorado Highway 291 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, Colo., thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Minnesota on, south, and east of a line beginning at Lake City, Minn., and extending along U.S. Highway 63 to the Minnesota-Iowa State line.

(14) From points in Colorado on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 160 to Mancos, thence along Colorado Highway 184 to Dolores, thence along Colorado Highway 147 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line, to points in Minnesota on, south, and east of a line beginning at Red Wing, Minn., and extending along Minnesota Highway 58 to Zumbrota, thence along Minnesota Highway 60 to Kenton, thence along Minnesota Highway 56 to Hayfield, thence along Minnesota Highway 30 to Blooming Prairie, thence along U.S. Highway 218 to the Iowa-Minnesota State line (except points on, south, and east of a line beginning at Lake City, Minn., and extending along U.S. Highway 63 to the Iowa-Minnesota State line); (15) from points in Colorado on and south of U.S. Highway 160 to points in Minnesota on, north, and east of a line beginning at International Falls, Minn., and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 37, thence along Minnesota Highway 37 to junction U.S. Highway 53, thence along U.S. Highway 53 to Duluth, Minn.; (16) from points in Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 66 to junction Colorado Highway 147, thence along Colorado Highway 147 to Dolores, thence along Colorado Highway 184 to Mancos, thence along U.S. Highway 160 to Durango, thence along U.S. Highway 550 to the Colorado-New Mexico State line to points in Minnesota located on and the area bounded by a line beginning at Duluth and extending along U.S. Highway 53 to junction with Minnesota Highway 37, thence along Minnesota Highway 37 to Hibbing, thence along Minnesota Highway 73 to Cromwell, thence along Minnesota Highway 210 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to Minneapolis, thence along U.S. Highway 65 to Faribault, thence along Minnesota Highway 60 to Zumbroth, thence along Minnesota Highway 58 to Red Wing, thence along the Minnesota-Wisconsin State line to Duluth.

(X) *such paint and lacquer* as are embraced within petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado located in, south, and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele and Freeborn Counties, and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (2) from points in Colorado located in, south, and west of Montrose, Quray, Hinsdale, Saguache, Chaffee, Freemont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, Le Sueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Sterns, Benton, Sherburne, Lanti, Anoka, Todd, Morrison, Millelacs, Konabec, Wadena, Cass, Crow Wing, Aitken, Hubbard, Clear Water, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and points located in St. Louis County west of U.S. Highway 53, and points in St. Louis County north of Minnesota Highway 169; (3) from points in Colorado located in and south of Montezuma, La Plata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Los Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mohnomen, Polk, Red Lake, Pennington, Marshall, and Kitson Counties and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; and (X) *petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles; from points in Colorado to points in Kentucky, New York, Pennsylvania, Tennessee, and West Virginia.

The purpose of this filing is to eliminate the gateways of (A) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone; (B) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (C) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (D) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Dubuque, Iowa; (E) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and points in Arkansas that are within the Memphis, Tenn., Commercial Zone; (F) (1)–(3) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Blockson Chemical Division of Olin Mathieson Company Plantsite at Joliet, Ill.; (F) (4)–(6) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (G) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (H) same as (E); (I) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone and the plant site of Iowa-Guttenburg Terminal, Inc., located approximately 2 miles south of Guttenberg, Iowa; (J), (K) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Saginaw, Mo., and points within 15 miles thereof; (L) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (M) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Fremont, Nebr.; (N) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Verona, Mo.; (O), (P) Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (Q) Missouri; (R) (1) LaGrange, Mo.; (R) (2) Alexandria, Mo.; (S) Missouri; (T) Kansas City, Mo.; (U) Escanoba, Mich., and points within 15 miles thereof; (V) Kansas City, Mo.; (W) (1)–(5) Trenton, Mo.; (W) (6)–(8) Trenton, Mo., and Dubuque, Iowa; (W) (9)–(16) Trenton, Mo., and Guttenburg, Iowa; and (X), (Y) Kansas City, Mo.

No. MC 92983 (Sub-No. E38), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Grand Avenue, P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Corn syrup*, in bulk, in tank vehicles, from points in Colorado to points in New York; (B) *such sugars, syrups, and blends* (except molasses), as are embraced within feed, in bulk, from points in Colorado to points in Wisconsin; (C) *dry sugar*, in bulk, from points in Colorado to St. Bernard, Ohio; (D) *corn syrup*, in bulk, in tank vehicles, (1) from points in Colorado to points in Louisiana located in Washington and St. Tammany Counties; (2) from points in Colorado in, north, and west of Costilla, Huerfano, Pueblo, Otero, Bent, and Prowers Counties, to points in Louisiana located in and east of Morehouse, Quachita, Richland, Franklin, Tensas, Concordia, West Feliciana, Pointe Coupee, Iberville, Assumption, and Terrebonne Counties (except those located in Washington and St. Tammany Counties); (3) from points in

Colorado located in and north of San Miguel, Quray, Gunnison, Sagauche, Custer, Pueblo, Otero, Bent, and Prowers Counties, to points in Louisiana located in Union, Lincoln, Jackson, Winn, Caldwell, Grant, LaSalle, Catahoula, Audyelles, St. Landry, Lafayette, St. Martin, Iberia, and St. Mary Counties; (4) from points in Colorado located in and north of Mesa, Delta, Pitkin, Lake, Park, Jefferson, Douglas, Elbert, Lincoln, and Cheyenne Counties, to points in Louisiana located in and west of Clairborne, Bienville, Natchitoches, Rapides, Evangeline, Arcadia, and Vermillion Counties; (5) from points in Colorado located in, south and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake, Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele, and Freborn Counties and points in St. Louis County on and east of U.S. Highway 61 and on and south of Minnesota Highway 169; (6) from points in Colorado located in, south and west of Montrose, Duray, Hinsdale, Saguache, Chaffee, Freemont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, Le Sueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Sterns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Mille Lacs, Kanabec, Wadena, Cass, Crow Wing, Aitken, Hubbard, Clear Water, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca counties, and points located in St. Louis County north of Minnesota Highway 169.

(7) From points in Colorado located in and south of Montezuma, LaPlata, Archuleta, Mineral, Rio Grande, Alamosa, Huerfano, Las Animas, and Baca Counties, to points in Minnesota located in Jackson, Cottonwood, Redwood, Chippewa, Swift, Stevens, Pope, Traverse, Grant, Douglas, Wilkin, Otter Tail, Clay, Becker, Norman, Mahnomen, Polk, Red Lake, Pennington, Marshall, and Kittson Counties, and points located in Lac Qui Parle and Yellow Medicine Counties on and east of U.S. Highway 59; (8) from points in Colorado to points in Mississippi; (9) from points in Colorado to points in Arkansas located on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (10) from points in Colorado on, north, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Pueblo, thence along Colorado Highway 96 to the Custer-Pueblo County line, thence along the eastern and southern county lines of Custer, Saguache, Alamosa, Rio Grande and Archuleta Counties, including all points in said counties to points in Arkansas on, north, and east of a line beginning at Fort Smith and extending along Arkansas Highway 92 to Dardanelle, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line (except points on, north, and east of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 59 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to Clinton, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (11) from points in Colorado on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 40 to junction Colorado Highway 96, thence along Colorado Highway 96 to Colorado Springs, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 291, thence along Colorado Highway 291 to Salida, thence along U.S. Highway 50 to Montrose, thence along Colorado Highway 90 to the Colorado-Utah State line to points in Arkansas located south and west of a line beginning at Fort Smith, and extending along Arkansas Highway 92 to Dardanelle, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line; (12) from points in Colorado to points in Alabama and Georgia; and (13) from points in Colorado to points in Florida. The purpose of this filing is to eliminate the gateways of (A) Clinton, Iowa; (B) Mason City, Iowa; (C) points in Iowa within the Omaha, Nebr., Commercial Zone; (D)(1)–(11) North Kansas City, Mo.; (D)(12) North Kansas City, Mo., and points in Arkansas within the Memphis, Tenn., Commercial Zone; and (D)(13) North Kansas City, Mo., points in Arkansas within the Memphis, Tenn., Commercial Zone, and Birmingham, Ala.

No. MC 92983 (Sub-No. E39), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles; (a) from Philadelphia, Pa., to points in Iowa, Kansas, points in Missouri located in and north and west of Pike, Audrain, Callaway, Cole, Miller, Camden, Dallas, Greene, Lawrence, and Stone Counties and points in Arkansas located in Carroll, Madison, Franklin, Sebastian, Crawford, Washington, and Benton Counties; (b) from points in Philadelphia, Pa., to points in Minnesota; (c) from Philadelphia, Pa., to points in Illinois located on and west of a line extending from the Illinois-Wisconsin State line along Illinois Highway 84 to junction with Interstate Highway 74, thence along Interstate Highway 74 to junction with U.S. Highway 34, thence along U.S. Highway 34 to junction with U.S. Highway 67, thence along U.S. Highway 67 to junction with U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction with Illinois Highway 96, thence along Illinois Highway 96 to junction with U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; (d) from Philadelphia, Pa., to points in Nebraska and South Dakota; (e) from Philadelphia, Pa., to points in Wisconsin located in and west of Ashland, Price, Taylor, Clark, Jackson, Monroe, Vernon, Richland, and Grant Counties; (f) from Philadelphia, Pa., to points in Nebraska; (2) *Such Molasses*, as is embraced in liquid mixtures of animal feed ingredients, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Wyoming, that part of Oklahoma located in and west of Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton Counties and that part of Texas located in and northwest of Clay, Archer, Young, Stephens, Easland, Coleman, McCullock, Menard, Kimble, Edwards, Kinney, and Maverick Counties. The purpose of this filing is to eliminate the gateways of: (1)(a) Frytown, Iowa; (b) Frytown, Iowa, and Iowa City, Iowa; (c) Frytown, Iowa, and Muscatine, Iowa; (d) Frytown, Iowa, and Des Moines, Iowa; (e) Frytown and Dubuque, Iowa; (f) Frytown and Des Moines, Iowa, and Fremont, Nebr.; (2) Frytown and Des Moines, Iowa, and Crete, Nebr.

No. MC 92983 (Sub-No. E40), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 3508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles: (a) from Philadelphia, Pa., to points in Colorado; (b) from Philadelphia, Pa., to points in California, Oregon, and Washington; (2) *Vegetable oils*, in bulk, in tank vehicles: (a) from points in Pennsylvania located in and south of Washington, Allegheny, Westmoreland, Indiana, Cambria, Blair, Huntingdon, Mifflin, Union, Northumberland, Mantour, Columbia, Luzerne, Lackawanna, and Wayne Counties (except York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties), to points in Minnesota located in and west of Jackson, Cottonwood, Redwood, Yellow Medicine, Chippewa, Swift, Stevens, Grant, Wilkin, Clay, and Norman Counties and that portion of Polk County on and west of Minnesota Highway 32; (b) from points in Pennsylvania located in York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, and Delaware Counties to points in Minnesota located in and west of Mower, Dodge, Rice, Scott, Carver, Wright, Sherburne, Benton, Morrison, Crow Wing, Cass, Beltrami, and Lake of the Woods Counties; (c) from points in Pennsylvania located in Philadelphia County to points in Minnesota (except Cook, Lake, St. Louis, Carlton, Pine, Wabasha, Winowa, and Houston Counties); (d) from points in Pennsylvania located in and north and west of Beaver, Butler,

Armstrong, Jefferson, Elk, Cameron, and Potter Counties to points in Iowa located in and south of Lee, Van Buren, Wapello, Monroe, Lucas, Clarke, Union, Adams, Montgomery, and Pottawattamie Counties.

(e) From points in Pennsylvania located in and south and east of Washington, Allegheny, Westmoreland, Indiana, Clearfield, Clinton, Lycoming, and Tioga Counties (except York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties), to points in Iowa located in and south and west of Des Moines, Henry, Washington, Keokik, Poweshiek, Marshall, Story, Hamilton, Webster, Humboldt, Palo Alto, and Emmet Counties; (f) from points in Pennsylvania located in York, Lancaster, Berks, Lehigh, Northampton, Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties to points in Iowa located in and south and west of Muscatine, Johnson, Linn, Benton, Black Hawk, Bremer, Floyd and Mitchell Counties; (3) *Soybean Oil,* in bulk, in tank vehicles; (a) from points in Pennsylvania to points in South Dakota located in and south and west of Perkins, Ziebach, Stanley, Hughes, Lyman, Buffalo, Aurora, Douglas, Hutchinson, Yankton, Clay, and Union Counties; (B) from points in Pennsylvania located in and south and east of Washington, Allegheny, Westmoreland, Cambria, Blair, Huntingdon, Mifflin, Union, Northumberland, Montour, Columbia, Luzerne, Lackawanna, and Wayne Counties to points in South Dakota located in and north and east of Clay Turner, Hutchinson, Davision, Aurora, Jerauld, Buffalo, Hyde, Hughes, Sully, Dewey, and Corson Counties; and (4) *Vegetable Oils,* in bulk, in tank vehicles: from points in Pennsylvania to points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateways of: (1) (a) Frytown, Iowa and Ottawa, Kans.; (b) Frytown, Iowa, Ottawa, Kans., and Burlington, Colo.; (2) St. Louis, Mo.; (3) St. Louis, Mo., and Redfield, Iowa; and (4) St. Louis, Mo. (Dupo, Ill., commercial zone).

No. MC 92983 (Sub-No. E44), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils,* in bulk, in tank vehicles: (1) from Greenwood, Miss., to points in Michigan, New York, and Pennsylvania; (2) from Corinth, Miss., to points in Louisiana (except for the parishes of Washington and St. Tammany), to points in Michigan to points in Mississippi on and west of a line beginning at the Mississippi-Louisiana State line and extending along the eastern and southern boundaries of Pike, Lincoln, Copah, and Hindes Counties to junction with the southern boundary of Madison County, thence along the southern boundary of Madison County to junction U.S. Highway 49, thence along U.S. Highway 49 to the southern boundary of LeFlore County, thence along the southern and eastern boundary of LeFlore County to the southern boundary of Tallahatchie County, thence along the southern and western boundary of Tallahatchie County to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction with eastern boundary of Coahoma County, thence along the eastern boundary of Coahoma County to junction with the southern border of Quitman County, thence along the eastern and southern boundaries of Quitman, Tunica, and Tate Counties to junction with the southern border of De Soto County, thence along the southern and eastern boundary of De Soto County to the Tennessee-Mississippi State line (except Jackson), and to points in West Virginia and Pennsylvania; and (3) from Jackson, Miss., to points in Michigan, to points in Mississippi located on and north of a line beginning at the Mississippi River and extending along Mississippi Highway 4 to junction unnumbered highway at Tunica, thence along unnumbered highway to junction Mississippi Highway 3, thence along along Mississippi Highway 3 to junction with the Tunica and Tate County line, thence north and east along Tate and Tunica County lines to junction with U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 306, thence along Mississippi Highway 306 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Tennessee-Mississippi State line and to points in New York and Pennsylvania.

(B) *Cottonseed oil, soybean oil, blends* and *products* thereof, in bulk, in tank vehicles, from points in Mississippi located in De Soto, Tunica, Coahoma, Boliver, and Washington Counties and to Macon, Ga. (C) *Vegetable oils,* in bulk, in tank vehicles; (1) from points in Mississippi (except Corinth, Greenwood, and Jackson), to points in Idaho; (2) from Corinth, Miss., to points in Arkansas, Colorado, Delaware, to points in Illinois on and north of a line beginning at the Illinois-Missouri State line, along the southern border of St. Claire County to junction Illinois Highway 158, thence along Illinois Highway 158 to junction Illinois Highway 177, thence along Illinois Highway 177 to junction with the eastern boundary of St. Claire County, thence along the St. Claire County line to the southern boundary of Madison County line, thence along the southern and eastern borders of Madison, Bond, Montgomery, and Christian Counties to junction Illinois Highway 16, thence along Illinois Highway 16 to junction with the western border of Coles County, thence along the western boundary of Coles County to the southern boundary of Douglas County, thence along the southern and eastern borders of Douglas and Vermillion Counties to the Illinois-Tennessee State line, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line, east along the southern border of Vermillion and Darke Counties to junction with the eastern border of Vigo County, south on the eastern border of Vigo County to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Indiana-Ohio State line, to points in Iowa and Kansas to points in Kentucky in and east of Pike, Floyd, Magoffin, Morgan, Roway, and Lewis Counties, and Maryland and Minnesota, to points in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line, along the eastern borders of Butler, Wayne, Madison, St. Francois, Washington, and Franklin Counties to junction with the southern border of St. Louis County, thence along the St. Louis County line to the Missouri-Illinois State line, to points in Nebraska and New Jersey, to points in North Carolina in and east of Caswell, Alamance, Chatham, Wake, Johnston, Wayne, Duplin, Pender, and New Hanover Counties, to points in Ohio on and north of a line beginning at the Ohio-Kentucky State line, north along Ohio Highway 247 to junction Ohio Highway 32, thence along Ohio Highway 32 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 350.

Thence along Ohio Highway 350 to junction Ohio Highway 63, thence along Ohio Highway 63 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 129, thence along Ohio Highway 129 to junction Ohio Highway 177, thence along Ohio Highway 177 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line, to points in Oklahoma and Texas to points in Virginia in, east, and north of Carroll, Wythe, Blard, Tazewell, Buchanan, and Dickinson Counties, to points in West Virginia and Wisconsin; (3) from Greenwood, Miss., to points in Arkansas on and north of a line beginning at the Mississippi-Arkansas State line, north along the eastern border of Lee County to junction Arkansas Highway 38, thence along Arkansas Highway 38 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 60, thence along Arkansas Highway 60 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction with the eastern border of Logan County, thence along the eastern and southern borders of Logan and Sebastian Counties to the Arkansas-Oklahoma State line, to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, Minnesota, Nebraska, New Jersey, North Carolina, and Ohio, to points in Oklahoma on and north of a line beginning at the

Oklahoma-Arkansas State line, westerly along Oklahoma Highway 83 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Oklahoma Highway 31, thence along Oklahoma Highway 31 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 1, thence west and south of Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction with the southern border of Garvin County, thence along the southern and eastern borders of Garvin, Stephens, and Comanche Counties to the Oklahoma-Texas State line to points in South Carolina, to points in Texas, on and west of a line beginning at the Texas-Oklahoma State line, south along Texas Highway 79B to junction Texas Highway 251, thence along Texas Highway 251 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Texas Highway 206, thence along Texas Highway 206 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283.

Thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 44, thence along Texas Highway 44 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 649, thence along Texas Highway 649 to the United States-Mexico International Boundary line, to points in Virginia, West Virginia, and Wisconsin; and (4) from Jackson, Miss., to points in Arkansas located on and north of a line beginning at the Arkansas-Oklahoma State line and extending east along U.S. Highway 271 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 540, thence along Interstate Highway 540 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction unnumbered highway at Lamar, thence along unnumbered highway to junction Arkansas Highway 333, thence along Arkansas Highway 333 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 164, thence along Arkansas Highway 164 to junction with the western border of Conway County and along the western boundary of Conway County to Van Buren County, thence along the southern and western boundaries of Van Buren, Cleburne, White, Woodruff, Cross, and Crittenden Counties to the Arkansas-Mississippi State line to points in Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, New Jersey, points in North Carolina located in and north of Madison, Yancy, McDowell, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Moore, Hoke, Cumberland, Sampson, Pender, and New Hanover Counties, points in Ohio, points in Texas located in and north of Deaf Smith, Randall, Armstrong, Gray, and Wheeler Counties and points in Virginia, West Virginia, and Wisconsin. (D) *Soybean oil, corn oil,* and *salad oils,* in bulk, in tank vehicles; (1) from Greenwood, Miss., to points in North Dakota and South Dakota; (2) from Corinth, Miss., to points in North Dakota and South Dakota; and (3) from Jackson, Miss., to points in North Dakota and South Dakota.

(E) *Vegetable oils,* in bulk, in tank vehicles; (1) from Jackson, Miss., to points in Nevada located on and north of a line beginning at the Nevada-Arizona State line and extending along the Clark-Lincoln County line to junction with the Nye County line, thence north on the Nye-Lincoln County line to junction Nevada Highway 25, thence along Nevada Highway 25 to junction unnumbered highway south of Reville Peak, thence along unnumbered highway to junction U.S. Highway 6, thence along U.S. Highway 6 to junction with the Esmeralda-Nye County line, thence along the Esmeralda-Nye County line to junction with the California-Nevada State line; (2) from Greenwood, Miss., to points in Nevada; (3) from Corinth, Miss., to points in Nevada; (4) from Greenwood, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (5) from Corinth, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (6) from Jackson, Miss., to points in Idaho, Oregon, Washington, and Wyoming; (7) from Greenwood, Miss., to points in California; (8) from Corinth, Miss., to points in California; and (9) from Jackson, Miss., to points in California located on and north of a line beginning at the Arizona-California State line and extending along unnumbered hihwagy beginning at Farp, through Rice, to Desert Center, from Desert Center along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 76, thence along California Highway 76 to Oceanside located on the Pacific Ocean including the Oceanside commercial zone. (F) *Anhydrous ammonia, acetic acid* and *mercury-containing compounds,* and *organic sulphur compounds,* including those known as *agricultural fungicides, barium metaborics* (barium borates), in bulk, in tank vehicles, from Laurel, Miss., to points in Michigan (except those located in Hillsdale, Lenawee, Monroe, Washtenaw, Wayne, and Macomb Counties). (G) *Dry chemicals,* in bulk, and *liquid chemicals,* in bulk, in tank vehicles; (1) from Laurel, Miss., to Burlington, Iowa; (2) from Laurel, Miss., to points in Iowa and Minnesota and points in Illinois located in, north, and west of Adams, Hancock, McDonough, Warren, Knox, Stark, Bureau, Putnam, LaSalle, Kendall, DuPage, and Cook Counties; and (3) from Laurel, Miss., to points in Michigan located in, north, and west of Ottawa, Muskegan, Newayge, Mecosta, Clare, Gladwin, Ogemaw, and Alcona Counties.

(H) *Chemicals,* in bulk, in tank vehicles (except derivatives of petroleum or petroleum products, synthetic resins and varnish); (1) from points in Mississippi to points in Minnesota located in all counties except Wabasha, Olmstead, Fillmore, Houston, and Winona; and (2) from points in Mississippi located in and south of Coahoma, Quitman, Panola, Lafayette, Pontotoc, Lee, and Itawamba to points in Wabasha, Olmstead, Fillmore, Houston, and Winona Counties, Minn. (I) *Chemicals,* in bulk; (1) from points in Mississippi to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from points in Mississippi to points in California located in and north of Orange and San Bernadino Counties, points in Nevada, points in Oregon, and points in Utah located in, north, and west of San Juan County; (3) from points in Mississippi located in and north of Coahoma, Tallahatchie, Grenada, Webster, Oktibbeha, and Lowndes Counties to points in Arizona, California, Nevada, Oregon, and Utah; (4) from points in Mississippi to points in Iowa located in and west of Worth, Cerro Gordo, Franklin, Wright, Hamilton, Boone, Dallas, Madison, Union, and Ringgold Counties, points in Kansas located in, north, and west of Bourbon, Allen, Woodson, Greenwood, Butler, Sedgewick, Kingman, and Barber Counties, points in Missouri located in and west of Harrison, Daviess, Livingston, Carroll, Lafayette, Johnson, Henry, and Bates Counties, and points in Nebraska; (5) from points in Mississippi located in Pearl River, Stone, Hancock, and Harrison Counties to points in Missouri located in Schuyler, Adair, Macon, Chariton, Saline, Pettis, Linn, Grundy, Mercer, Putnam, and Sullivan Counties, and points in Iowa located in and west of Allamakee, Fayette, Buchanan, Benton, Iowa, Keokum, Wapello, and Davis Counties; and (6) from points in Mississippi to points in Washington. (J) *Acetic acid,* in bulk, in tank vehicles; (1) from points in Mississippi located in Benton, Marshall, DeSoto, Tate, Utunica, Quitman, and Coahoma Counties to points in Alabama located in and east of Jackson, Marshall, Etowah, St. Clair, Talladega, Coosa, Elmore, Montgomery, Grenshaw, Betler, and Covington; and (2) from points in Mississippi located in Marshall, DeSoto, Tate, and Tunica Counties to points in Alabama located in Butler, Conecuh, Escambia, Baldwin, and Mobile Counties.

The purpose of this filing is to eliminate the gateways of: (A), (B) Memphis, Tenn.; (C)(1) Memphis, Tenn., and Kansas; (C)(2) Memphis, Tenn.; (D) Memphis, Tenn., and Clinton, Iowa; (E) (1)–(3) Memphis, Tenn., and Nebraska; (E) (4)–(6) Memphis, Tenn., and Kansas; (E) (7)–(9) Memphis, Tenn., and Colorado; (F) Memphis, Tenn., and Pike County, Mo.; (G)(1) Memphis, Tenn.; (G)(2) Memphis,

Tenn., and Burlington, Iowa; (G) (3) Memphis, Tenn., and Burlington, Iowa, and the plant site of the Blockson Chemical Co., at division of the Olin Mathieson Chemical Corp., at or near Joliet, Ill.; (H), (I) (2)–(3), (6) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (I) (1) Kansas City, Kans. (a point formerly known as Turner, Kans.); (I) (4) & (5) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); and (J) Memphis, Tenn.

No. MC 106407 (Sub-No. E4), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, other than pipe lines used for the transmission of natural gas, petroleum, and their products and by-products, water, or sewerage, restricted to the transportation of shipments to or from pipe line rights-of-way, between points in Arkansas, Louisiana, Mississippi, Georgia, Alabama, and Florida, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana, and Idaho. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 106407 (Sub-No. E5), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and pickup of pipe, (1) between points in California, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia (points in Arizona or Nevada)*; (2) between points in Louisiana, Mississippi, Alabama, Georgia, and Florida, on the one hand, and, on the other, points in Utah, Idaho, and Wyoming (points in Texas)*; (3) between points in California on and south of Interstate Highway 80, on the one hand, and, on the other, points in Washington (points in Nevada)*; (4) between points in California on, north, and west of a line beginning at the Pacific Ocean and extending along California Highway 128 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction California Highway 36, thence along California Highway 36 to junction California Highway 89, thence along California Highway 89 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 395 to the California-Oregon State line, on the one hand, and, on the other, points in Washington on, north, and east of a line beginning at the International Boundary line between the United States and Canada, and extending along Washington Highway 21 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Washington-Idaho State line (points in Nevada)*; (5) between points in California on and south of a line beginning at the Pacific Ocean and extending along California Highway 41 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon (points in Nevada)*; (6) between points in California on and south of a line beginning at the Pacific Ocean and extending along California Highway 41 to junction California Highway 120, thence along California Highway 120 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon on and north of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Oregon-Idaho State line (points in Nevada)*; (7) between points in California on and north of Interstate Highway 80 (except points in Modoc and Lassen Counties), on the one hand, and, on the other, points in Oregon, on and east of U.S. Highway 395 and on and north of Oregon Highway 26 (points in Nevada)*; and (8) between points in California, on the one hand, and, on the other, points in Idaho (points in Nevada)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 106407 (Sub-No. E6), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline material, machinery, and equipment*, incidental to, and used in connection with the construction, repairing, or dismantling of gas, gasoline, or oil pipelines, restricted to traffic moving to or from pipeline rights-of-way, between points in Louisiana, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Mississippi.

No. MC 113855 (Sub-No. E58) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 28, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 70, to junction U.S. Highway 81 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of South Dakota. The purpose of this correction is to reflect the correct Highway in (A) above. The remainder of the letter-notice remains as previously published.

No. MC 113908 (Sub-No. E415), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., PO Box 3180–Glenstone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Vinegar, in bulk, in tank vehicles, from New York, N.Y., to points in Missouri south and east of State Highway 96 and U.S. Highway 71, and Texas east of U.S. Highway 259 and U.S. Highway 69, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Memphis, Tenn., or Rogers, Ark.

No. MC 114019 (Sub-No. E110), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *foods not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (a) from points in Illinois and Indiana, and those in Ohio on, north, and west of U.S. Highway 62 from the Ohio-Kentucky State line to its junction with Ohio Highway 44, thence along Ohio Highway 44 to Lake Erie, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; (b) from points in Illinois and Indiana on and north of U.S. Highway 36 and those in Ohio on, north, and west of U.S. Highway 36 from the Indiana-Ohio State line to its junction with Interstate Highway 71, thence along Interstate Highway 71 to Lake Erie, to points in Maryland, the District of Columbia, and those in Virginia on and east of U.S. Highway 220; (c) from points in New York, Pennsylvania, and those in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones as defined by the Commission, to points in Michigan and those in Kentucky on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E187), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and confectionery products*, (1) from Duryea, Pa., to points in Minnesota, and those points in Missouri on and west of U.S. Highway 63. (2) from Duryea, Pa., to Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa or Louisville, Ky.

No. MC 114019 (Sub-No. E232), filed May 17, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen Foods*, from the facilities of Maritime Terminals, Inc., at or near New Bedford, Mass., to points in North Dakota, South Dakota, Kansas and Arkansas. (B) *Frozen foods, and frozen animal and poultry feeds*, from the facilities of Maritime Terminals, Inc., at or near New Bedford, Mass., to those points in West Virginia on and west of U.S. Highway 19. The purpose of this filing is to eliminate the gateway of Darien, Wis., or Steubenville, Ohio.

No. MC 114019 (Sub-No. E276), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and commodities*, the transportation of which is partially exempt from regulation under Section 203 (B) (6) of the Interstate Commerce Act when moving in mixed shipments with bananas, from Baltimore, Md., and points in New York and New Jersey within 40 miles of City Hall, New York, to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Menifee, Morgan, Perry, Pike, Rowan and Wolfe Counties, Ky., Restriction: The above described authority is restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E277), filed May 25, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60620. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, covers, caps and accessories* for glass containers and paper cartons, from Streator, Ill., to points in Bunconbe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Mitchell, Swain, Transylvania, and Yancey Counties, N.C., Buchanan, Dickenson, Lee, Russell, Scott, Washington and Wise Counties, Va., to points in Catoosa, Dade, Fannis, Gilmer, Habersham, Lumpskin, Murray, Rabun, Stephens, Towns, Union, Walker, White and Whitefield Counties, Ga. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 114211 (Sub-No. E1265), filed August 9, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of the plantsite of Jones and Laughlin Steel Corporation located in Putnam County, Ill.

No. MC 115554 (Sub-No. E18), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment; appliances; and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in Minnesota, on, north and east of a line beginning at the Minnesota/Iowa State line, thence on Interstate Highway 35 to junction Interstate Highway 94, thence on Interstate Highway 94 to the Minnesota-North Dakota State line on the one hand, and, on the other, points in Missouri, on and east of a line beginning at the Iowa-Missouri State line, thence on U.S. Highway 63 to junction U.S. Highway 54, thence on U.S. Highway 50 to junction U.S. Highway 65 to the Missouri-Arkansas State line; (2) between points in Minnesota, on and north of Interstate Highway 94 on the one hand, and on the other, points in Missouri, on, west and north of a line beginning at the Missouri-Iowa State line, thence on U.S. Highway 63 to junction U.S. Highway 40, thence on U.S. Highway 40 to junction U.S. Highway 65, thence on U.S. Highway 65 to junction State Highway 52, thence on State Highway 52 to junction State Highway 18, thence on State Highway 18 to the Missouri-Kansas State line; and (3) between points in Minnesota on, east and north of a line beginning at the Minnesota-Iowa State line thence on U.S. Highway 52 to junction U.S. Highway 61, thence on U.S. Highway 61 to Two Harbors, Minnesota on the one hand, and, on the other, points in Kansas south and east of a line beginning at the Kansas-Missouri State line, thence on U.S. Highway 54 to junction U.S. Highway 75, thence on U.S. Highway 75 to junction Interstate Highway 35, thence on Interstate Highway 35 to junction U.S. Highway 56, thence on U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 115840 (Sub-No. E89), (CORRECTION), filed December 30, 1974, and published in the FEDERAL REGISTER July 28, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vhicle, over irregular routes, transporting: *Such materials and supplies* (except in bulk) used in the operations of a foundry, which are materials and supplies used in the agriculture, water treatment, food processing, and institutional supply industries, and which are also iron and steel articles, sand hoppers, conveyors, dust collectors, and meter boxes; (2) from that portion of Texas on and west of U.S. Highway 75 to that portion in Alabama located on the Warrior-Tombigbee-Alabama River System on and north of U.S. Highway 80; (3) from points in Louisiana to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System in Calhoun, Etowah, and St. Clair Counties,

Alabama. The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. The purpose of this partial correction is to correct the origin points in (2) and (3) above. The remainder of the letter-notice remains as previously published.

No. MC 119864 (Sub-No. E3) (CORRECTION), filed May 25, 1974, and published in the FEDERAL REGISTER issue of January 14, 1976, and republised, as corrected, this issue. Applicant: CRAIG TANSPORTATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's rpresentative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporing: *Metal containers* which are incidental to the production, packing, and sale of food products, dairy products and dairy by-products, from the plants and warehouse sites of Crown Cork and Seal Company at or near Rossford, Ohio, to points in Michigan on and west of a line beginning at the Michigan-Ohio State line and extending along Michigan Highway 99 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Michigan, and points in Ohio on and west of a line beginning at the Ohio-Michigan State line and extending along Ohio Highway 49 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, restricted to the transportation of shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of points in Indiana. The purpose of this correction is to substitute Crown Cork and Seal Company for United Can Company.

No. MC 119864 (Sub-No. E11), filed May 14, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk*, (1) from Angola, Ind., to Milwaukee and Wauwatosa, Wis., (2) from points in Indiana on and north of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, to points in Wisconsin on and north of U.S. Highway 18 (except Milwaukee, Wis.); (3) from points in Indiana on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 24 to Fort Wayne, Ind., thence along Indiana Highway 3 to Muncie, Ind., thence along U.S. Highway 35 to the Indiana State line, to points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 16 to Tomah, Wis., thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to Oshkosh, Wis., thence along U.S. Highway 41 to Green Bay; and (4) from points in Indiana on and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction Indiana Highway 218, thence along Indiana Highway 218 to the Indiana-Ohio State line, to Wauwatosa, Wis., restricted in (1), (2), (3), and (4) above to shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Bryan, Ohio, in all of the above.

No. MC 119864 (Sub-No. E13), filed May 22, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, and packinghouse products and by-products:* (1) from points in Michigan on and south of Michigan Highway 21, and points in Ohio on and north of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction Ohio Highway 2, thence along Ohio Highway 2 to Cleveland, Ohio, to points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties, Ill.); (2) from points in Ohio within a territory bounded and described as follows: beginning at Cleveland, Ohio and extending along Ohio Highway 2 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 191, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, included points on the indicated portions of the highways specified, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 9 to Paxton, Ill., thence along U.S. Highway 45 to the Illinois-Kentucky State line; (3) from points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 27 to West Unity, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Mansfield, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to Van Wert, thence along U.S. Highway 224 to the Indiana-Ohio State line, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line.

(4) From points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Mansfield, thence along U.S. Highway 42 to Delaware, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, to points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (5) from points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to Urbana, thence along U.S. Highway 36 to the Indiana-Ohio State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to junction Illinois Highway 91, thence along Illinois Highway 91 to Princeville, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Iowa State line; (6) from Mansfield, Ohio, to points in Madison and St. Clair Counties, Ill., and East St. Louis, Ill.; and (7) from points in Michigan on and south of Michigan Highway 21, and points in Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland, to St. Louis, Mo., restricted in (1) through (7) above to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of Gary, Ind., in (1) through (6) above, and Indianapolis, Ind., in (7) above.

No. MC 119864 (Sub-No. E23), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, (1) from points in Illinois (except points in Clark, Crawford, Edgar, Wabash, and Lawrence Counties, Ill.), to points in Michigan on and south of Michigan Highway 21, and points in Ohio on and north of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to West Unity, thence along Ohio Highway 191 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction Ohio Highway 2, thence along Ohio Highway 2 to Cleveland, Ohio; (2) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 9 to Paxton, Ill., thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio within a territory bounded and described as follows: beginning at Cleveland, Ohio and extending along Ohio Highway 2 to junction Ohio Highway 163, thence along Ohio Highway 163 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 191, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cleveland, included points on the indicated portions of the highways specified; (3) from points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio on, north and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 27 to West Unity, thence along Ohio Highway 191 to junction U.S. Highway 6, thence along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Elyria, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to Mansfield, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to Van Wert, thence along U.S. Highway 224 to the Indiana-Ohio State line.

(4) From points in Illinois on, north and west of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to Kankakee, thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to Mansfield, thence along U.S. Highway 42 to Delaware, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line; (5) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 17 to junction Illinois Highway 91, thence along Illinois Highway 91 to Princeville, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Iowa State line, to points in Ohio on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to Urbana, thence along U.S. Highway 36 to the Indiana-Ohio State line; (6) from points in Madison and St. Clair Counties, Ill., and East St. Louis, Ill., to Mansfield, Ohio; and (7) from St. Louis, Mo., to points in Michigan on and south of Michigan Highway 21, and points in Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to Delaware, thence along U.S. Highway 42 to Cleveland, restricted in (1) through (7) above to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of Gary, Ind., in (1) through (6) above, and Indianapolis, Ind., in (7) above.

No. MC 119864 (Sub-No. E37), filed May 29, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* and *dairy products* (except liquid or in bulk), from the plant site and warehouse facilities of the Oconomowoc Canning Company at Cobb, Merrill, Poynette, Sun Prairie, and Waunakee, Wisc., and the plant site and warehouse facilities of the Pet Milk Compay at Belleville, Madison, and Middleton, Wisc., to points in Indiana on, north and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 9 to Huntington, thence along Indiana Highway 5 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 67, thence along Indiana Highway 67 to Muncie, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, restricted to the transportation of traffic originating at the above named plant and warehouse facilities, and further restricted to the transportation of shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of points in Michigan, south of Michigan Highway 21 and east of U.S. Highway 27.

No. MC 119864 (Sub-No. E41), filed June 2, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, 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 (except frozen foodstuffs, hides and commodities in bulk, in tank vehicles), as are embraced in foodstuffs, from the plant site of Armour and Company near Sterling, Ill., to points in the Lower Peninsula of Michigan on, north and east of a line beginning at Port Huron, and extending along Michigan Highway 21 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City (except points in Genessee County), and points in Kentucky on and east of U.S. Highway 127, restricted to shipments originating at the above named plant site and destined to points in the above-described destination areas, and further restricted to the transportation of shipments moving from, to or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateways of points in Indiana and Archbold, Ohio.

No. MC 119864 ((Sub-No. E45), filed June 4, 1974. Applicant: CRAIG TRANSPORTATION COMPANY, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* which are dairy products, canned goods, packinghouse products, and by-products, or materials and supplies used in the operation and maintenance of packinghouses, from LaPorte, Ind., to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 123407 (Sub-No. E237), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applican's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Houston, Tex., to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island. Restriction: The authority granted herein is restricted to the trans-

portation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E238), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated buildings* (complete, knocked down, or in sections) including *all iron and steel component parts, equipment, and materials* incidental to the erection and completion of such buildings, when shipped therewith, from the facilities of L. B. Foster Company at Bedford Park, Ill., to points in that part of Colorado in and west of Jackson, Routt, Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, San Juan, and La Plata Counties, points in Montana, and points in Wyoming (except Laramie County) RESTRICTION: The service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of Litchfield, Minn.

No. MC 123407 (Sub-No. E239), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel window frames, and doors and iron and steel accessories* used in the installation thereof, from the facilities of L. B. Foster Company, at Bedford Park, Ill., to points in Kansas, Oklahoma, and Texas. Restrictions: The Service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. Said operations are restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E240), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirrors, flat glass, and glass doors and fittings*, when used as a building material, from Houston, Tex., to points in Wisconsin. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Freeport, Ill.

No. MC 123407 (Sub-No. E241), filed July 19, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Window mirrors, door mirrors, window flat glass, door flat glass, and glass doors and fittings*, from Houston, Tex., to points in that part of Iowa in and east of Worth, Cerro Gordo, Floyd, Chickasaw, Bremer, Black Hawk, Bucanaw, Linn, Johnson, and Muscatine Counties Iowa, and points in Divide, Burke, Renville, Bottineau, Rolette, Towner, Cavalier, Pembina, Williams, Mountrail, Ward, McHenry, Pierce, Benson, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Foster, Griggs, Steele, Traill, Barnes, Cass, and Richland Counties, N. Dak. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. Said operations are restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E242), filed July 19, 1975. Applicant: SAWYER TRANSPORT INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Mirrors, flat glass, and glass doors and fittings, when used as a building material, from Houston, Tex., to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Maine. Restriction: The authority so granted herein is restricted to the transportation of shipments originating at the facilities of Rubin Glass & Mirror Co. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 123407 (Sub-No. E243), filed July 19, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of L. B. Foster Company, at Bedford, Ill., to points in that part of Colorado in and west of Routt, Grand, Summit, Park, Fremont, Custer, Huerfano, and Las Animas Counties, Colo. Restriction: The service authorized herein is restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of the facilities of North Star Steel Company at Newport, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6145 Filed 3-2-76;8:45 am]

[Notice No. 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 27, 1976.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1024.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 109533 (Deviation No. 9), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209, filed February 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lexington, Va., over Interstate Highway 64 to junction Interstate Highway 81 (near Staunton, Va.), thence over Interstate Highway 81 to Chambersburg, Pa., thence over U.S. Highway 30 to York, Pa., 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 Lexington, Va., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 64 near Staunton, Va., thence over Interstate Highway 64 to junction U.S. Highway 29 near Charlottesville, Va., thence over U.S. Highway 29 to junction Interstate Highway 66 near Gainesville, Va., thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., thence over U.S. Highway 29 to junction U.S. Highway 40 near Ellicott City, Md., thence over U.S. Highway 40 to Baltimore, Md., thence over Interstate Highway 83 to York, Pa., and return over the same route.

No. MC 111383 (Deviation No. 42), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed February 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Antonio, Tex., over Interstate Highway 10 (using portions of Texas Highway 21, U.S. Highways

290 and 80 where Interstate Highway 10 is incomplete) to Van Horn, Tex., 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 San Antonio, Tex., over U.S. Highway 90 to junction U.S. Highway 80 near Van Horn, Tex., and return over the same route.

No. MC 115093 (Deviation No. 36), 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 Raleigh, N.C., over U.S. Highway 64 to Rocky Mount, 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 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., and (2) 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 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. 37), 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 Rocky Mount, N.C., over North Carolina Highway 97 to Lawrence, 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 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 Franklin, Va., over U.S. Highway 258 to Farmville, N.C., and (3) From Norfolk, Va., over U.S. Highway 17 to Williamston, N.C., thence over U.S. Highway 64 to junction North Carolina Highway 42, thence over North Carolina Highway 42 to Wilson, N.C., 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. 38), 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 Greensboro, N.C., over U.S. Highway 29 to Danville, Va., 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 Culpeper, Va., over U.S. Highway 29 to Danville, Va., thence over Virginia Highway 86 to the Virginia-North Carolina State line, thence over North Carolina Highway 86 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durham, 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.

No. MC 115093 (Deviation No. 39), 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 Burlington, N.C., over North Carolina Highway 62 to junction North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line, thence over Virginia Highway 49 to Clarksville, Va., 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 Harrisburg, Pa., over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, 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.

No. MC 115093 (Deviation No. 40), 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 Hillsville, Va., over U.S. Highway 221 to Roanoke, Va., 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 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 Columbia, S.C., over U.S. Highway 21 to Elkin, N.C., thence over North Carolina Highway 268 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to Wytheville, Va., thence over U.S. Highway 21 to Princeton, W. Va., and (3) From Wytheville, Va., over Interstate Highway 81 to Christiansburg, Va., 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6144 Filed 3-2-76;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice No. 17]

FEBRUARY 27, 1976.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed

as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filings of Section 212(b) transfer application.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (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 applicants' 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 44302 (Sub-No. 5G) (Republication), filed June 4, 1974, and published in the FEDERAL REGISTER issue of January 29, 1975, and republished this issue. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, Pa. 18507. Applicant's representative: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517. An Order of the Commission Division 1, Acting as an Appellate Division, dated February 10, 1976 and served February 23, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *paper mill products*, and *supplies, materials, equipment and machinery* used in paper mills, between the facilities of the Proctor & Gamble Company and its subsidiaries in the Township of Washington (Wyoming County), Pa., and in the Counties of Luzerne and Lackawanna, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of authority. 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 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file and 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 120028 (Sub-No. 9) (Republication), filed June 9, 1975, and published in the FEDERAL REGISTER issue of September 24, 1975, and republished this issue. Applicant: CRAW CARTING, INC., 160 Dispatch Drive, P.O. Box 267, East Syracuse, N.Y. 14445. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson St., Syracuse, N.Y. 13202. An Order of the Commission, Review Board Number 4, dated February 13, 1976 and served February 20, 1976, previously published as New York Docket No. T-1318, finds that the present and future public convenience and necessity require operation by applicant in intrastate commerce, as a *common carrier* by motor vehicle, under a Certificate of Registration in the transportation of *boxed and unboxed electrical household appliances, accessories and parts therefore*, and *materials, equipment, supplies and parts* used in the manufacture thereof, between all points in the City of New York, on the one hand, and, on the other, all points in Wyoming County, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening of authority.

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 30 days from the date of this publication 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 139193 (Sub-No. 19) (Republication), filed September 30, 1974, and published in the FEDERAL REGISTER issue of November 1, 1974, and republished this issue. Applicant: ROBERT & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street, N.W., Washington, D.C. 20036. An initial Decision of Administrative Law Judge Morton B. Margulies, dated December 19, 1975 and served January 13, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the John Morrell & Co. plantsite and storage facilities at East St. Louis, Ill. and storage facilities at National City, Ill., and St. Louis, Mo., to points in California, Illinois, Iowa, Minnesota, Missouri, Tennessee, and Wisconsin; and (2) *such commodities* as are used by meatpackers in the conduct of their business (except commodities in bulk), from points in the destination States to the origins set forth in (1) above, restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co., of Chicago, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of authority to include service from and to the storage facilities of John Morrell & Co. located at National City, Ill., and St. Louis, Mo. as indicated by parts (1) and (2) above. 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 permit in this proceeding will be withheld for a period of 30 days from the date of this publication 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 140895 (Republication), filed April 14, 1975 and published in the FEDERAL REGISTER issue of May 29, 1975, and republished this issue. Applicant: TANK LINES, INCORPORATED, 1325 Diamond Springs, Virginia Beach, Va. 23455. Applicant's representative: C. Roger Malbon (same address as applicant). An Order of the Commission, Review Board Number 3, dated January 20, 1976, and served February 18, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate of foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *waste paper, waste glass, waste ferrous metals, and waste non-ferrous metals, for recycling or reuse*, in bulk, from Moyock, N.C., to Virginia Beach and Williamsburg, Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening grant of authority. 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 30 days from the date of this publication 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 the applicant's grant of authority indicated by the purpose for this republications.

No. MC 115162 (Sub-No. 5) (Notice of filing of petition to modify commodity description), filed January 19, 1976. Petitioner: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, Ala. 36401. Petitioner's representative: Robert E. Tate (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 115162 (Sub-No. 5), issued September 22, 1969, authorizing transportation as pertinent, over irregular routes, of *Boxes and crates*, (1) from points in Alabama and Florida, to points in Tennessee, Kentucky, Iowa, Nebraska, Minnesota, Missouri, Arkansas, and Pennsylvania, restricted against the transportation of traffic from Talladega, Ala., to points in Iowa; and (2) from Brewton, Tuscaloosa, and Goodwater, Ala., to points in Indiana, Illinois, Ohio, Wisconsin and Michigan. By the instant petition, petitioner seeks to modify commodity description as to read: *Boxes and crates, box material including pulpboard and fibreboard*. 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 123778 (Sub-No. 23) (Notice of filing of petition to add a contract shipper), filed February 6, 1976. Petitioner: JALT CORP, doing business as UNITED NEWSPAPER DELIVERY SERVICE, P.O. Box 398, Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in NO. MC 123778 (Sub-No. 23), issued January 23, 1976, authorizing transportation, as pertinent, over irregular routes, of *Magazines* and *advertising matter* shipped with magazines, from Old Saybrook, Conn., to points in New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on, east, and south of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 11 to Syracuse, thence along New York Highway 5 to Schenectady, and thence along New York Highway 7 to the New York-Vermont State line, and to Wilmington, Del., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts with U. S. News & World Report, of Chicago, Ill. By the instant petition, petitioner seeks to add McGraw-Hill Publications Company as an additional contract shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124735 (Sub-No. 1) (Notice of filing of petition to add contract shipper), filed January 19, 1976. Petitioner: R. C. KERCHEVAL, INC., 2201 Sixth Ave., South, Seattle, Wash. 98134. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *common carrier* certificate in No. MC 124735 (Sub-No. 1), issued November 14, 1969, authorizing transportation, as pertinent over irregular routes, of *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle under-carriage*, from points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to Portland, Oreg. and Yakima, Wash., under a continuing contract or conrtacts with Six Robblee's Inc., of Washington. By the instant petition, petitioner seeks to add Wholesale Truck Parts, Inc., of Yakima, Wash., as an additional contract shipper in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135482 (Sub-No. 1) (Notice of filing of petition to modify territorial description), filed December 24, 1975. Petitioner: H. A. BEYER AND ROBERT BEYER doing business as H. A. BEYER & SON, Box 615, Valley City, N. Dak. 58072. Petitioner's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* permit in NO. MC 135482 (Sub-No. 1), issued May 9, 1972, authorizing transportation, over irregular routes, of (1) *Cement*, in bags, from Duluth, Minn., to points in North Dakota; and (2) *cement*, in bulk (except in tank vehicles), from Duluth, Minn., to Bismarck and Valley City, N. Dak., under a continuing contract or contracts with Beyer's Cement, Inc., of Valley City, N. Dak. By the instant petition, petitioner seeks to modify territorial description to include *cement*, from Rapid City, S. Dak., Minneapolis, Minn., and ports of entry on the International Boundary line between the United States and Canada, located in North Dakota to points in North Dakota. 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 135811 and (Sub-Nos. 1 and 2) (Notice of filing of petition to modify permits), filed January 26 1976. Petitioner: GARDNER TRUCKING CO., INC., 320 Woodlawn Street, Box 567, Walterboro, S.C. 29488. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Suite 600, Washington, D.C. 20036. Petitioner holds motor *contract carrier* permits in NO. MC 135811 and (Sub-Nos. 1 and 2), issued October 28, 1975, October 28, 1975, and October 29, 1975 respectively, authorizing transportation, as pertinent, over irregular routes, in MC 135811, of (1) *Welding rods, and welding wire*, and (2) *electric welders, and parts, materials, and supplies* used in connection therewith, from Charlottesville, Va., to points in Arizona, California, Oregon, Texas, and Washington, under a continuing contract, or contracts, with Esab Manufacturing, Inc., of Charlottesville, Va.; in MC 135811 (Sub-No. 1), of *Welding rods, welding wire*, and *electric welders*, from Charlottesville, Va., to points in Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Utah, and Wyoming, under a continuing contract, or contracts with Esab Manufacturing, Inc., of Charlottesville, Va.; and in MC 135811 (Sub-No. 2), of *Welding rods, welding wire, electric welders*, and *parts, materials and supplies* used in connection with electric welders, from Charlottesville, Va., to points in Alabama, Florida, Georgia, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract, or contracts, with Esab Manufacturing Inc., and Chemetron Corporation. By the instant petition, petitioner seeks to delete Esab Manufacturing, Inc., as a contract shipper wherever it appears

in the above authority, and to substitute "Esab, Inc." in lieu thereof. 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 140513 (Notice of filing of petition to modify permit), filed January 30, 1976. Petitioner: L.S.T. CO., INC., 82 South Broadway, Salem, N.H. 03709. Petitioner's repreesntative: Lawrence Bernstein, 326 Union Avenue, Framingham, Mass. 01701. Petitioner holds a motor *contract carrier* permit in NO. MC 140513, issued December 10, 1975, authorizing transportation, over irregular routes, of *Lumber, wooden fencing,* and *wooden pallets,* from points in Maine, New Hampshire, and Vermont, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, under a continuing contract, or contracts with New England Lumber Sales Co., of Brookline, Mass. By the instant petition, petitioner seeks (1) to add Massachusetts as an additional origin point in the above authority, and (2) to add Virginia as an additional destination point. Petitioner states that an order was served January 13, 1976 by Division 1, to change the name of carrier from Lumber Specialty Transport, Inc., to L.S.T. Co., Inc., and also an order was served January 15, 1976 by Review Board No. 5 to substitute Norfolk Co., Inc. as a contract shipper in lieu of New England Lumber Sales. 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 141212 (Notice of filing of petition for modification of certificate), filed January 29, 1976. Petitioner: JOHN M. RADKE, Route 2, Marathon, Wis. 54448. Petitioner's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Petitioner holds a motor *common carrier* certificate in No. MC 141212, isued November 6, 1975, authorizing transportation, over irregular routes, of *Animal and poultry feeds,* in bulk, and *animal and poultry feeds,* in bags, when moving in the same vehicle and at the same time with animal and poultry feeds in bulk, (1) from Minneapolis, Minn., to points in Burnett, Dodge, Douglas, Fond du Lac, Green Lake, Lincoln, Marathon, Marquette, Ozaukee, Portage, Sawyer, Sheboygan, Washburn, Washington, Waushara, and Woods Counties, Wis., and (2) from Minneapolis, Minn., to points in Calumet, Manitowoc, Waupaca, and Winnebago Counties, Wis., which are more than 75 miles from Coleman, Wis. By the instant petition, petitioner seeks to remove the restriction which prohibits the transportation of animal and poultry feeds in bags except when moving in the same vehicle and at the same time with animal and poultry feeds in bulk and to modify so as to read, *Animal and poultry feeds,* in bulk or 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.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 13123 (Sub-No. 82) (Partial correction), filed January 6, 1976, published in the FEDERAL REGISTER issue of February 4, 1976, and republished, as corrected this issue. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant).

NOTE.—The purpose of this partial republication is to state that this is a matter directly related to a Section 5(2) proceeding in MC–F–12739 published in the FEDERAL REGISTER issue of January 28, 1976. The rest of the application remains the same.

No. MC 109324 (Sub-No. 32) (Partial correction), filed December 29, 1975, published in the FEDERAL REGISTER issue of February 11, 1976, and republished, as corrected, this issue. Applicant: GARRISON MOTOR FREIGHT, INC., Garrison Place, P.O. Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Fort Smith, Ark. and Booneville, Ark., serving all intermediate points: From Fort Smith over U.S. Highway 71 to Greenwood, thence over Arkansas Highway 10 to Booneville, and return over the same route.

NOTE.—The purpose of this partial republication is to include the above described Certificate of Registration. The rest of the application remains the same. The purpose of this application is to convert the above described 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–12717 published in the FEDERAL REGISTER issue of December 19, 1975. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 141076 (Sub-No. 5), filed January 21, 1976. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388D2, Hackettstown, N.J. 07840. Applicant's representative: Bert Collins, Suite 6193 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in New York, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Newburgh, N.Y.

NOTE.—This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12734 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–F–12693. (Correction) (JENKINS TRUCK LINE, INC.—MERGER—RATLIFF & RATLIFF, INC.), published in the December 10, 1975, issue of the FEDERAL REGISTER. Prior notice should have *excluded* the following authority: *Cotton yarn,* from Wadesboro, N.C., and points within 25 miles of Wadesboro, to Baltimore, Md., Philadelphia, Wilkes-Barre, and New Cumberland, Pa., Jersey City, N.J., and points in the NEW YORK, N.Y. COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665; *textiles and textile products,* from Wadesboro, N.C., and points within two miles of Wadesboro, to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania; and return with *damaged or rejected shipments* of textiles and textile products; *drugs, toilet articles and medicines,* from New York, N.Y.; Newark, N.J., and Baltimore, Md., to Durham, Winston-Salem, Salisbury, Charlotte, Greensboro, and Asheville, N.C., and Greenville, Spartanburg, Columbia, Anderson, and Hartsville, S.C., and Augusta, Ga.; cotton yarn and silk, rayon, and cotton hose, from Midland, N.C., to Philadelphia, Pa., and New York, N.Y.; *textiles and textile products,* from Wadesboro, N.C., from Wadesboro, N.C., and points within three miles thereof, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and South Carolina.

No. MC–F–12737. (Correction) (JENKINS TRUCK LINE, INC.—CONTROL AND MERGER—DENNY MOTOR FREIGHT, INC.), published in the January 21, 1976, FEDERAL REGISTER on pages 3160 and 3161. Prior notice should be modified to read as follows: The name Michael J. Ogborne should read *Ogborn*; Wau Claire, Wis., *Eau Claire, Wis.,* and the authority feed and feed ingredients is from Quincy, Ill., to points in Tennessee and *Kentucky.*

No. MC–F–12751. (Correction) HERMANN FORWARDING COMPANY—PURCHASE—COSSITT MOTOR EXPRESS, INC., published in the February 4, 1976, issue of the FEDERAL REGISTER. Prior notice should have read as follows: HERMANN FORWARDING COM-

PANY—*MERGER*—COSSITT MOTOR EXPRESS, INC.

No. MC–F–12779. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem St., Eau Claire, WI 54701, of the operating rights and property of ROBERT FUNK-HOUSER, doing business as FUNK-HOUSER TRUCK SERVICE, 14 North Plum St., Cambridge, IN 47327, and for acquisition by FRANK BABBITT, also of Eau Claire, WI 54701, of control of such rights and property through the purchase. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–97860 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Indiana. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Minnesota, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12780. Authority sought for purchase by GROSS COMMON CARRIER, INC., Wisconsin Rapids, WI 54494, of the operating rights and property of WILLARD GRAESE TRANSPORT SERVICE, INC., P.O. Box 80012, St. Paul, MN 55108, and for acquisition by ROBERT GROSS, QUESNAL GROSS and RUTH GROSS, all of Wisconsin Rapids, WI 54494, of control of such rights and property through the purchase. Rolfe E. Hanson, 121 W. Doty St., Madison, WI 53703. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, and household goods, as a *common carrier* over regular routes, between Strum, Wis., and Minneapolis, Minn., serving various intermediate and off-route points; *paper*, from Minneapolis and St. Paul, Minn., to Eleva, Wis., serving no intermediate points; and return with *empty beer containers; general commodities*, with exceptions over irregular routes, from Minneapolis, St. Paul, and South St. Paul, Minn., to Strum, Wis.; and return with *empty petroleum containers; feed and flour*, from Minneapolis and St. Paul, Minn., to Eleva, Wis.; *livestock and agricultural commodities*, from the Towns of Lima and Albany, Pepin County, Drammen, Pleasant Valley, Brunswick, and Clear Creek, Eau Claire County, Albion, Unity, and Chimney Rock, Trempealeau County, Rock Creek, Dunn County, and Canton, Mondovi, Naples, Dover, Gilmanton, Modena, Montana, Lincoln, Alma, and Waumandee, Buffalo County, Wis., to South St. Paul, St. Paul, Minneapolis, Hastings, and Newport, Minn.; *flour, feed, seed, farm machinery and implements and parts thereof, and building supplies*, from South St. Paul, St. Paul, Minneapolis, Hastings, and Newport, Minn., to Mondovi, Eleva, and Gilmanton, Wis.

Livestock, from South St. Paul, Minn., to Mondovi, Wis., between points in Buffalo County, Wis., on the one hand, and, on the other, Winona, South St. Paul, and Newport, Minn., between points in the Towns of Maxville, Nelson, and Canton, Buffalo County, Wis., on the one hand, and, on the other, Minneapolis, Minn., between points in the Towns of Waterville, Frankfort, Lima, Waubeek, and Durand, Pepin County, Eau Galle, Dunn, and Peru, Dunn County, and Union, Pierce County, Wis., on the one hand, and, on the other, South St. Paul, Minneapolis, Newport, and Winona, Minn.; *livestock* and *agricultural products*, between points in the Towns of Albion, Chimney Rock, Hale, and Unity, Trempealeau County, and Cleare County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Newport and Minneapolis, Minn.; *farm machinery*, from Wabasha, Minn., to points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis., from Winona, Minn., to points in the Towns of Modena, Alma, Gilmanton, and Lincoln, Buffalo County, Wis.; *seed, feed, hardware, farm machinery, and building materials*, from St. Paul and Minneapolis, Minn., to Modena, Wis.; *feed and building materials*, from Winona and Wabasha, Minn., to points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis.; *grain*, between points in the Towns of Modena, Alma, Nelson, Gilmanton, Canton, and Lincoln, Buffalo County, Wis., on the one hand, and, on the other, points in Minnesota within 35 miles of Wabasha, Minn.; *agricultural commodities, feed, machinery, and flour*, between points in the Towns of Waterville, Frankfort, Lima, Waubeek, and Durand, Pepin County, Maxville, Nelson, and Canton, Buffalo County, Eau Galle, Dunn, and Peru, Dunn County, and Union, Pierce County, Wis., on the one hand, and, on the other, South St. Paul, Minneapolis, Newport, and Winona, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12781. Authority sought for purchase by CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030, of a portion of the operating rights of ADOBE VAN & STORAGE, INC., 1323 N. 22nd Ave., Phoenix, AZ 85009, and for acquisition by MICHAEL CARTWRIGHT, and THOMAS CARTWRIGHT, both of Grandview, MO 64030, of control of such rights through the purchase. Applicants' attorney: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Arizona. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–6142 Filed 3–2–76;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 27, 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 Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, 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.

Tennessee Docket No. MC 4777 (Sub-No. 3), filed February 10, 1976. Applicant: AVERITT EXPRESS, INC., P.O. Box 173, Livingston, Tenn. 38570. Applicant's representative: Robert L. Baker, Suite 618 Hamilton Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except Classes A & B explosives, used household goods, commodities in bulk, and articles requiring special equipment), (1) Between Livingston and Celina, Tennessee: From Livingston over Tenessee Highway 52 to Celina, Tenn. and return over the same route serving all intermediate points in Clay County and serving all other points in Clay County as off-route points; and (2) Between Knoxville and Gainesboro, Tennessee: From Knoxville over Interstate Highway 40 to its intersection with Tennessee Highway 42, thence over Tennessee Highway 42 to its intersection with Tennessee Highway 85, thence over Tennessee Highway 85 to its intersection with Tennessee Highway 53, thence over Tennessee Highway 53 to Gainesboro and return over the same route, serving all intermediate points in Jackson County and serving all other points in Jackson County as off-route points. Said authority to be used in conjunction with all other authority of Averitt Express, Inc. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place scheduled for April 5, 1976, at 9:30 a.m., at the Bank of Celina Conference Room, East Lake Avenue, Celina, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, room C–1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6143 Filed 3-2-76;8:45 am]

[Notice No. 23]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 25, 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 completness 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 200 (Sub-No. 279TA), filed February 12, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh, Suite 1200 Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the report in the *Descriptions in Motor Carriers* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of MBPXL Corp. at Planview and Friona, Tex. to Chicago, Ill., restricted to traffic originating at named origin and destined to named destinations, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 63417 (Sub-No. 85TA), filed February 9, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road N.E., Roanoke, Va. 24012. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Gaffney, S.C. to points and places in Appomattox County, Va., for 180 days. Supporting shippers: Transmark Operations, A Division of Thomasville Furniture Industries, Inc., P.O. Box 848, Appomattox, Va. 24522 and Southeastern-Kusan, Inc., P.O. Box 158, Gaffney, S.C. 29340. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 69492 (Sub-No. 52TA), filed February 4, 1976. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from San Antonio, Tex. to Memphis, Jackson, Dresden, and Dyersburg, Tenn., for 150 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Moss Distributing Company, Dyersburg, Tenn.; Haynes Distributing Company, Jackson, Tenn.; Volunteer Beer Distributing Co., Inc., Dresden, Tenn., and A. S. Barboro, Inc., Memphis, Tenn. Send protests to: Kenneth R. Inman, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 82063 (Sub-No. 64TA), filed February 12, 1976. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent Phosphoric acid*, in bulk, in tank vehicles, from Cleveland, Miss., Clanton, Ala., Kennett, Mo., Magnolia, Ark. (except the plantside of Dow Chemical USA in Columbia County), and the plantside of Randall Company in Mississippi County, Ark. to points in Georgia, Louisiana, Tennessee, Arkansas, Kentucky, Alabama, Missouri, and Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission) and (2) *Phosphoric acid*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Arkansas, Louisiana, Mississippi, and Georgia, for 180 days. Supporting shipper: Trimet Chemical, Inc., 3255 Whitebrook Place, Memphis, Tenn. 38118. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 106674 (Sub-No. 183TA), filed February 13, 1976. Applicant: SCHILLI MOTOR LINES, INC., PO Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, from Luttrell, Tenn. (Union County), to points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luttrell Mining Company, Inc., P.O. Box 12009, Knoxville, Tenn. 37912. 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 107295 (Sub-No. 801TA), filed February 11, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire, nails, mesh, staples, gates, rods, reinforcement bars, ingots, billets, fencing and fence posts* from Kokomo Ind., to points in New Jersey, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert M. Hamilton, Director of Transportation, Penn-Dixie Steel Corporation, 1109 S. Main Street, Kokomo, Ind. 46901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107496 (Sub-No. 1017TA), filed February 13, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog muscosa*, in bulk, from points in the United States (except Alaska and Hawaii) west of U.S. Highway 65 to the facilities of the Minnesota Mining and Manufacturing Company at or near Cordova, Ill., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to:

Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 115311 (Sub-No. 185TA), filed February 11, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Mr. Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, from plant site of Temple Industries at West Memphis, Ark., to points in Tennessee, Kentucky, Missouri, Kansas, South Carolina, North Carolina, Oklahoma, Mississippi, Alabama, Georgia and Florida, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Temple Industries, P.O. Drawer N, Diboll, Tex. 75941. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 115654 (Sub-No. 46TA), filed February 13, 1976. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* except in bulk, in vehicles equipped with mechanical refrigeration, from the warehouse and storage facilities of The Nestle Company, Inc., at or near Memphis, Tenn., to points in Alabama, Arkansas, Louisiana, Mississippi, and points in Missouri on and south of U.S. Highway 62, restricted to traffic originating at the said warehouse and storage facilities of The Nestle Co., at or near Memphis, Tenn., for 180 days. Supporting shipper: The Nestle Company, Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations Interstate Commerce Commission, Suite A–4422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115654 (Sub-No. 47TA), filed February 13, 1976. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities* as are dealt in by wholesale and retail grocery houses, restaurants and institutional facilities (except in bulk) in vehicle equipped with mechanical refrigeration, from the warehouse facilities of Polar Refrigerated Services, at or near Nashville, Tenn., to Richmond, Somerset, Bowling Green, Hopkinsville, and Paducah, Ky., restricted to traffic originating at said warehouse facilities of Polar Refrigerated Services at or near Nashville, Tenn., and restricted against the handling of commodities which do not require protective service against heat or cold except when moving on the same bill of lading with other commodities which do require such protective service, for 150 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Polar Refrigerated Services, Inc., 326 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116119 (Sub-No. 29 TA), filed February 10, 1976. Applicant: JOHN F. HARRIS doing business as HOGANS TRANSFER & STORAGE CO., 1122 S. Davis Avenue, P.O. Box 31, Elkins, West Va. 26241. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump or hopper-type vehicles, from points in Schuylkill and Northumberland Counties, Pa., to Parsons, W. Va. under continuing contract or contracts with The Kingsford Company, for 180 days. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201, Levern N. Forseth, Traffic Mgr. Send protests to H.R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va.

No. MC 119229 (Sub-No. 9TA), filed February 12, 1976. Applicant: ORLANDO TRUCKING, INC., 10 Glory Rd., Rd. #3, Lebanon, N.J. 08833. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *cintract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, and paper and plastic products*, from East Brunswick, N.J. to New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y.; Fairfield, New Haven, and Hartford Counties, Conn.; New Jersey and Philadelphia, Pa., under contract with Hudson Pulp & Paper Co. (2) *Paper and paper and plastic products, cloth and scales*, from East Brunswick, N.J. to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, and Virginia, under contract with Beta Health Care Products, Corp., for 180 days. Supporting shippers: (1) Hudson Pulp & Paper Co., 477 Madison Avenue, New York, N.Y. and (2) Beta Health Care Products Corp., 477 Madison Avenue, New York, N.Y. Send protests to: Dieter H. Harper, District Supervisor Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 124813 (Sub-No. 142TA), filed February 3, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 51533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from Humboldt, Iowa to points in Illinois, Indiana, Kansas, Michigan, Ohio, and Wisconsin; and (2) from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin to Humboldt, Iowa, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frit Industries, Inc., P.O. Box 636, Humboldt, Iowa 50548. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 124951 (Sub-No. 34TA), filed February 10, 1976. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Fort Wayne, Ind., and Memphis, Tenn., on the one hand, and, on the other, Henderson, Ky., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William T. Burton, Distributor, P.O. Box 231, Henderson, Ky. 42420. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 128190 (Sub-No. 10TA), filed February 9, 1976. Applicant: FREMONT CONTRACT CARRIER INC., 1520 E. Railroad St., P.O. Box 489, Fremont, Nebr. 68025. Applicant's representative: R. W. Wigton, P.O. Box 388, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles, and jars, and honey* when in mixed loads with glass bottles and jars, from the plantsite or storage facilities of Ball Corporation at or near Asheville, N.C. to the plantsites or storage facilities of Sioux Honey Association at or near Waycross, Ga., and Anaheim, Calif., under contract with Sioux Honey Association, Cooperative, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. W. Wigton, Director of Transportation, and Purchasing, Sioux Honey Association, Cooperative, P.O. Box 388, Sioux City, Iowa 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 129602 (Sub-No. 3 TA) filed February 13, 1976. Applicant: DAVID H. LADD TRUCKING, INC., 102 Pawnee Court, Durham, N.C. 27704. Applicant's representative: E. J. Walker, Jr., P.O. Box 2006, Durham, N.C. 27702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks*, from the plantsite of Adams Concrete Products Company at Durham, N.C., to

its customers within the States of Alabama, Florida, Kentucky, Maryland, Tennessee, West Virginia, the District of Columbia, under a continuing contract with Adams Concrete Products Company, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Adams Concrete Products Company, Inc., P.O. Box 3392, Method Station, Raleigh, N.C. 27609. Send protests to: Archie W. Andrews, Dist. Supvr., Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 134387 (Sub-No. 28TA) filed February 12, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof*, from points in Thurston County, Wash., to points in California and Arizona, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Company, Inc., Pacific Region, 155 Bovet Road, San Mateo, Calif. 94402. 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 138274 (Sub-No. 25 TA) filed February 12, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 1030 Fifteenth St. NW., 360 Executive Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766, from Columbia Foods, Inc., at or near Wallula, Wash., to points in Las Vegas and Reno, Nev.; also, Yuba City, Marysville, Sacramento, Selma, Fresno, San Jose, Watsonville, San Diego, Los Angeles, San Francisco, and Oakland, Calif., and their respective commercial zone, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash., 99301. (Dirk Martin, Transportation Manager) Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 138375 (Sub-No. 19 TA) filed February 11, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Des Moines, Iowa 50309. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and printed matter*, from Dallas, Tex., to Denver, Colo., Minneapolis, Minn., Lawrence, Kans., and Cincinnati, Ohio, under a contract with TV Guide, Division of Triangle Publications, Inc., for 180 days. Supporting shipper: TV Guide, A Division of Triangle Publications, Inc., 431 North 15th Street, Philadelphia, Pa. 19130. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138478 (Sub-No. 3 TA) filed February 2, 1976. Applicant: MICHAEL E. SCHNITKER, doing business as SCHNITKER TRUCK LINES, P.O. Box 155, Arenzville, Ill. 62611. Applicant's representative: Otis H. Weaver, Jr., 217 So. 13th St., P.O. Box 58, Griffin, Ga. 30223. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, wood shingles, timbers*, surfaced or rough, untreated or pressure treated with chemicals, *lumber*, green, rough native hardwood, rough surfaced, kiln dried, and *wooden posts, poles and piling* untreated or pressure treated with chemicals, from Beardstown, Ill., to points in Michigan, Minnesota and Wisconsin, under contract with Casswood Treated Products Company of Beardstown, Ill., for 180 days. Supporting shipper: Fred Omundson, Secretary/Treasurer, Casswood Treated Products Company Everee Road, Griffin, Ga. 30223. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 138574 (Sub-No. 3 TA), filed February 5, 1976. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Ave., Carteret N.J. 07001. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, between Avon, Conn., on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Parke Davis & Company, P.O. Box 118, Detroit, Mich. 48232. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 13872 (Sub-No. 5 TA) filed February 11, 1976. Applicant: OSTERKAMP TRUCKING, INC., 1049 N. Glassell Street, Orange, Calif. 92667. Applicant's representative: Michael Eggleton, 764 No. Cypress St., Orange, Calif. 92667. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, lumber, lumber products and bark* in straight or mixed shipments, from the plantsites of Kaibab Industries, Inc., at Fredonia and Payson, Ariz. and Panguitch, Utah, to points in Arizona, California, Colorado, Nevada, New Mexico and Utah, for 180 days. Applicant has also filed underlying ETA seeking to 90 days of operating authority. Supporting shipper: Kaibab Industries, Inc., P.O. Box 20506, Phoenix, Ariz. 85036. 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 139850 (Sub-No. 4 TA), filed February 12, 1976. Applicant: FOUR STAR TRANSPORTATION, INC., 310-12 Park Building, Council Bluffs, Iowa 51501. Applicant's representative: Leonard Wilkins, Box 66, Underwood, Iowa 51576. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles, distributed by meat packinghouses*, as described in Section A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank trailers), from the plantsites and storage facilities owned or utilized by Flavorland Industries, Inc. located at or near Sioux City, Iowa to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Ohio, District of Columbia and California, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jerry DeLoss, Transportation Manager, Flavorland Industries, Inc., 220 Badgerow Building, Sioux City, Iowa. Send protests to: Carroll Russell, Districts Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141476 (Sub-No. 1 TA), filed January 26, 1976. Applicant: C. T. TRANSPORTATION COMPANY, 2301 Bridgeport Drive, P.O. Box 1410, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: A. (1.) *Towers, antennas, materials, supplies and equipment* used in the manufacture, sale, distribution and erection of towers and antennas and *reflectors, redomes, pylons, and buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, construction and erection of buildings, building panels and building parts, from the plantsite and storage facilities of Advance Industries of Sioux City, Iowa to point in the United States (except Hawaii), and (2) *Towers, antennas and materials, supplies and equipment* used in the manufacture, sale, distribution, and erection of the commodities from points and places in the United

States (except Alaska and Hawaii), to the plantsite and storage facilities of Advance Industries, at Sioux City, Iowa. Restriction: The commodities in 1 and 2 above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Advance Industries. B. (1.) *Trenching machines,* from the plantsite and storage facilities of Digz-All, Inc. at Merrill, Iowa, to points and places in the United States (except Hawaii), and (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of trenching machines, from points and places in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Digz-All, Inc. at Merrill, Iowa. Restriction: The commodities in 1 and 2 next-above are restricted against transportation in bulk and restricted to traffic transported under a continuing contract or contracts with Digz-All, Inc. Supporting shipper: Richard Krone, Traffic Manager, Advance Industries, 2301 Bridgeport Drive, Box 1410, Sioux Sity, Iowa 51102. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141614 (Sub-No. 1 TA), (Correction), filed January 8, 1976 published in the FEDERAL REGISTER issue of January 26, 1976 as MC 141676 TA, republished as corrected this issue. Applicant: J. D. HINES AND BILLY HINES, doing business as J. D. HINES AND BILLY HINES TRUCKING, Moore's Highway, Prescott, Ark. 71857. Applicant's representative: J. D. Hines (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt road building material, chat, rock, gravel, sand, concrete road building mixes,* hot and cold (except liquid asphalt, dirt and marble lime), from points in Arkansas south of Interstate Highway 40, to points in Louisiana on and north of Louisiana Highway 28, under a contract with Madden Construction Company, Reynolds & Williams Construction Company, Arkedelphia Sand & Gravel Company, Inc.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Madden Construction Company, P.O. Box 826, Minden, La. 71055. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

NOTE.—The purpose of this republication is to correct the docket number MC 141676 TA to 141614 (Sub No. 1 TA), and to change from contract carriage to common carriage.

No. MC 141773 TA, filed February 6, 1976. Applicant: THERMO TRANSPORT, INC., 156 East Market St., Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* in vehicles equipped with mechanical temperature controlled equipment, from the plant sites and warehouse facilities of Jones and Laughlin Steel Corporation at Indianapolis, Ind., Aliquippa, Pa., Youngstown and Louisville, Ohio to Los Angeles, Calif., and Costa Mesa, Calif., under a continuing contract or contracts with Jones & Laughlin Steel Corporation, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jones & Laughlin Steel Corporation, Room 120–1600 Carson Street, Pittsburgh, Pa. 15263. Send protests to: William S. Ennis, D/S, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-6141 Filed 3-2-76;8:45 am]

federal register

WEDNESDAY, MARCH 3, 1976

PART II:

VETERANS ADMINISTRATION

■

PRIVACY ACT OF 1974

Proposed Notice of System of Records

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Notice of System of Records

On August 26, 1975, the Veterans Administration published in the Federal Register (40 FR 38095) a Proposed Notice of Systems of Records in accordance with 5 U.S.C. 552a(e)(4) and (11), section 3 of the Privacy Act of 1974 (Pub. L. 93-579). The proposed descriptions of records were adopted by notice published on page 47980 of the Federal Register of October 10, 1975.

Notice is hereby given that the Veterans Administration now proposes to adopt the following description of the existence and character of an additional new system of personal records. The proposed description has been drafted in compliance with OMB Circular No. A-108, Transmittal Memorandum No. 1 (40 FR 45877, October 3, 1975) and is subject to the new system reporting requirements. The new system is entitled "Veterans, Dependents and Beneficiaries Compensation, Pension, Education and Rehabilitation Records System (TARGET)—VA." Within the Veterans Administration it is called or referred to as the TARGET system. It was created by combining two existing systems of records into a single, integrated system. The component systems are the "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA" (appearing at 40 FR 38117, August 26, 1975) and the "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA" (appearing at 40 FR 38118, August 26, 1975). The TARGET system is still in the development stage and is only partially operational as a research-type system. The Agency does not propose to delete the component systems until such time as the TARGET system is fully operational.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A) Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before March 22, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective the date of final approval.

Approved: February 13, 1976.

By direction of the Administrator:

ODELL W. VAUGHN,
Deputy Administrator.

System name: Veterans, Dependents and Beneficiaries Compensation, Pension, Education and Rehabilitation; and Armed Forces Personnel Education and Rehabilitation Records System (TARGET)—VA

System location: Records are maintained at VA Regional Offices, the VA Records Processing Center, St. Louis, Missouri, and at Federal Archives and Records Centers. Active records are generally maintained by the regional office having jurisdiction over the domicile of the claimant, and by the servicing data processing center at Hines, Illinois with subsidiary accounts receivable records located at the data processing center at St. Paul, Minnesota. Address locations are on page 38123 of the Federal Register of August 26, 1975.

Categories of individuals covered by the system:

1. Veterans who have applied for compensation for service-connected disability under Title 38, United States Code, Chapter 11.
2. Veterans who have applied for non-service-connected disability, under Title 38, United States Code, Chapter 15.
3. Veterans entitled to burial benefits under Title 38, United States Code, Chapter 23.
4. Widows, widowers and children who have claimed pension based on non-service-connected death under Title 38, United States Code, Chapter 15.
5. Widows, widowers and children who have claimed death compensation based on service-connected death under Title 38, United States Code, Chapter 11.
6. Widows, widowers and children who have claimed dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.
7. Parents who have applied for death compensation based on service-connected death under Title 38, United States Code, Chapter 11.
8. Parents who have applied for dependency and indemnity compensation for service-connected death under Title 38, United States Code, Chapter 13.
9. Veterans who have applied for VA educational benefits under Title 38, United States Code, Chapters 31 and 34.
10. Spouse or widow(er) who has applied for VA educational benefits under Title 38, United States Code, Chapter 35.
11. Children who have applied for VA educational benefits under Title 38, United States Code, Chapter 35.
12. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 34.

Categories of records in the system: Military service and active duty separation information; medical records relating to treatment in service; medical information from VA and private hospitals and doctors; applications for compensation, pension, education and rehabilitation benefits and training; information relating to dependency, income, education, occupation, marital status, and educational status relative to VA benefits, payment data; counseling and rehabilitation records; claimant or payee name and address.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210 (c) (1) and Chapters 11, 13, 15, 23, 31, 34, 35 and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Transfer of payment information to the Treasury Department to ensure delivery of benefit checks to VA beneficiaries.
2. Transfer of information to collection agencies in order to conduct a credit check to determine the likelihood of success in a collection action against individuals who owe debts to the VA.
3. Transfer of necessary collection information to the General Accounting Office, for use in procedures incident to obtaining a judgment against the individual.
4. Forwarding of computer generated VA forms to VA approved educational institutions in order to certify an individual's re-enrollment and allow payment.
5. Transfer of information regarding the induction, reentrance and dismissal of a disabled veteran from a vocational rehabilitation program to inform the training establishment of the actions taken.
6. Written and oral disclosure to a VA approved vocational rehabilitation training establishment regarding the extent and nature of a claimant's disabilities with respect to any limitations to be imposed on the vocational program to insure that the trainee receives the maximum benefit from training. A vast amount of discretion with respect to each disclosure is practiced.
7. Transfer to schools and other training establishments of VA education forms for completion by the school and subsequent submission to the VA for processing of education and vocational rehabilitation training claims.
8. The transfer of payment information to officials of schools and training establishments having VA beneficiaries when it can be determined that such a request is part of a legitimate attempt to assist the veteran or other eligible person to ascertain that correct amounts were paid. However, such information will not be provided as a routine use to school officials when the request is clearly an attempt to seek assistance in collection attempts against the veteran or eligible person.
9. Transfer of VA education letters and form letters to schools and other training establishments which may, by necessity, contain identifying data about a veteran or eligible person in order to obtain further information from the school necessary to discharge VA responsibilities toward the veteran or eligible person.
10. Transfer of identifying information, such as name, file number, and address to a school or training establishment official in order to obtain information necessary to pay the veteran or eligible person correct amounts in an expedited manner. (An example of the above is a telephone call to an On-the-Job-Training establishment to find out the number of hours worked.)
11. Transfer of necessary information concerning veterans and other eligible persons to State and local agencies and prospective employers for employment and/or training.

12. A record from this system of records may be disclosed to any department or other agency of the Federal Government, in response to its request, to the extent that the information is relevant and necessary to the requesting agency's specified official purpose.

13. A record containing medical history, diagnoses, findings, or treatment may be released from this system of records in response to a request from the superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, County, or city health department, or any fee basis physician or institution in connection with authorized treatment as a VA beneficiary, provided that the name of the individual to whom the record pertains is given and that the information will be treated as confidential, as is customary in civilian professional medical practice.

14. A record from this system of records may be disclosed to a State unemployment compensation agency, in response to its request, to the extent required to determine eligibility for their benefit.

15. A record from this system of records may be disclosed to the following agencies relative to military, naval, or air service and as to both current and historical benefit payments made by the VA: Departments of the Army, Navy, and Air Force; Marine Corps; Department of Transportation (Coast Guard); Department of Health, Education, and Welfare, PHS (Public Health Service), Commissioned Corps; Department of Commerce, NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps.

16. A record from this system of records may be disclosed to a third party to the extent necessary in the development of a potential beneficiary's claim for VA benefits (i.e., individual identifiers and other similar identifying information).

17. A record containing the names and addresses of present or former personnel of the Armed Forces and/or dependents may be released from this system of records, upon request to a non-profit organization but only if the purposes are directly connected with the utilization of benefits and the conduct of programs under Title 38, United States Code, provided further that the list will not be used for any other purpose as stated in the application and that the organization is aware of the penalty provision of 38 U.S.C. 3301 (9).

18. The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary may be released from this system of records to any person who applies for such information.

19. Disclosure of VA records as deemed necessary and proper to accredited service-organizations, agents and attorneys recognized under a power of attorney or declaration of representation to assist in the preparation, presentation and prosecution of claims.

20. A record from this system of records may be disclosed to a fiduciary (including those acting in a fiduciary capacity) recognized or appointed by the VA to the extent necessary to fulfill the fiduciary's function.

21. Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

22. Transfer of statistical and other data to Federal, State and local government agencies and national health organizations to assist in the development of programs that will be beneficial to claimants, to protect their rights under law and to assure that they are receiving all benefits to which they are entitled..

23. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

24. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

25. A record from this system of records may be disclosed as a routine use to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

26. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper documents, microfilm, microfiche, magnetic tape and magnetic disk.

Retrievability: a) Manual records are indexed by name and VA file number. b) Automated records are indexed by name, VA file number, payee number and type of benefit.

Safeguards:

1. Physical Security:

a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a "need to know" basis. Generally, file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis. Access to data telecommunication terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy/security measures, expecially for review of violations logs, information logs and control of password and badge distribution.

b) Access to data processing centers is restricted to center employees, custodial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System Security:

a) At Veterans Administration Regional Offices and Veterans Administration Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing and operations.

Retention and disposal:

1. Individual case folders and records are retained indefinitely.

2. Automated files containing temporary working data are retained until a claim is processed to determination.

3. All other automatic files are retained indefinitely.

System manager(s) and address: DIRECTOR, COMPENSATION AND PENSION SERVICE (21), VA Central Office, Washington, D.C. 20420; DIRECTOR, EDUCATION AND REHABILITATION SERVICE (22) VA Central Office, Washington, D.C. 20420.

Notification procedure:

1. Individuals seeking information concerning the existence of a record pertaining to themselves must submit a written request or apply in person to the nearest VA regional office. Addresses for VA regional offices and centers may be found on page 38123 of the Federal Register of August 26, 1975.

2. All inquiries must reasonably identify the benefit or system of records involved; e.g., Compensation and Pension. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, the following information should be forwarded, if known: veteran's full name, branch of service, dates of service, service number, social security number, and date of birth.

Record access procedures: Veterans, beneficiaries, service organization personnel or other duly authorized representatives seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office or center.

Contesting record procedures: See Record Access Procedures above.

Record source categories: 1. The claimant, his or her accredited representative or his or her fiduciary; 2. The military service department; 3. VA hospitals and doctors, or private hospitals and doctors if written authorization is obtained from the claimant; 4. Training establishments; 5. State approving agencies; 6. Other Federal agencies; 7. County Clerks, Courts and other third parties, when assistance is requested by claimant.

[FR Doc.76-5009 Filed 2-25-76;11:21 am]