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federal register

THURSDAY, APRIL 8, 1976

highlights

PART I:

CONTINUED INSIDE

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

FMC—Truck detention at port of New York; extension of effective date. 58146; 12–15–75

List of Public Laws

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

H.R. 49..... Pub. Law 94–258
Naval Petroleum Reserves Production Act of 1976 (Apr. 5, 1976; 90 Stat. 303)

H.R. 6346..... Pub. Law 94–259
An act to extend the authorization of appropriations for carrying out title V of the Rural Development Act of 1972, and for other purposes (Apr. 5, 1976; 90 Stat. 314)

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.

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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.

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CUMULATIVE LIST OF PARTS AFFECTED DURING APRIL

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 April.

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rules and regulations

Title 7—Agriculture

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

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $287,290 of the Valencia Orange Administrative Committee, under Marketing Order No. 908, for the 1975–76 fiscal year and fixes a rate of assessment of $0.0145 per carton of Valencia oranges handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On March 24, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 12229) regarding proposed expenses and the related rate of assessment for the period November 1, 1975, through October 31, 1976, and carryover of unexpended funds from the 1974–75 fiscal year, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The notice provided that all written data, views, or arguments in connection with the proposals be submitted by April 3, 1976. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.215 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1975, through October 31, 1976, will amount to $287,290.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.0145 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1975, in the amount of $10,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1975, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: April 5, 1976.

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

[FR Doc.76-10138 Filed 4-7-76;8:45 am]

[Valencia Orange Reg. 528]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirement

This regulation sets a minimum size requirement of 2.32 inches in diameter applicable to the handling of Valencia oranges grown in Districts 1 and 3 of the production area of California and Arizona during the period April 9 through May 20, 1976. Such action is necessary to satisfy current and prospective market demand for shipments of fresh California-Arizona Valencia oranges. The specified minimum size requirement is consistent with the size composition and available supply of the developing crop of Valencia oranges in Districts 1 and 3.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions during the period April 9 through May 20, 1976. The 1975–76 season crop of Valencia oranges is currently estimated at 49,000 carlots, an increase of 5,500 from the committee's February 20 estimate. Last year's production amounted to about 63,000 and duction amounted to about 63,000 and production for the previous year amounted to nearly 43,100 carlots. Demand in regulated market channels will require about 36 percent of the volume, and the remaining 64 percent will be available for utilization in export, processing, and other outlets. Demand in regulated markets last year amounted to 35 percent of the volume, and the remaining 65 percent was utilized in export, processing, and other outlets. Fresh shipments of Valencia oranges from District 3 are now in progress and are expected to begin from District 1 about April 9, 1976. The volume and size composition of the crop of Valencia oranges grown in Districts 1 and 3 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. The regulation herein specified is designed to permit shipment of ample supplies of fruit of acceptable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges, which tend to weaken the market for such fruit. The regulation, therefore, is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted

to the Department after such meeting was held; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1976. Necessary supplemental information was received on March 30, 1976.

§ 908.828 Valencia Orange Regulation 528.

(a) *Order.* (1) Valencia Orange Regulation 524 (§ 908.824; 41 FR 10439) is hereby terminated on the effective date hereof. (2) During the period April 9, 1976, through May 20, 1976, no handler shall handle any Valencia oranges grown in District 1 or District 3, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", "District 1", and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated, April 5, 1976, to become effective April 9, 1976.

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

[FR Doc.76-10208 Filed 4-7-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

(FmHA Instruction 410.1)

PART 1801—RECEIVING AND PROCESSING APPLICATIONS

Use of Social Security Numbers

On November 24, 1975, there was published in the FEDERAL REGISTER (40 FR 54429) a notice of proposed rulemaking adding paragraphs (j), (k), and (l) to § 1801.2 of Subpart A of Part 1801, Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 15737; Redesignated at 38 FR 4772) to implement the provisions of Public Law 93–579 (88 Stat. 1897) of December 31, 1974, which amends Title 5, United States Code, by adding after section 552, a new section 552a to regulate the collection, maintenance, use, and dissemination of personal information of individuals identified in information systems maintained by Federal agencies.

This amendment also implements section 7, Public Law 93–579, which makes it unlawful with certain exceptions to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose a social security number. The Public Law also provides that any Federal agency which requests an individual to disclose a social security number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory authority or other authority such number is solicited, and what uses will be made of it. Interested persons were given 30 days in which to submit written comments, suggestions or objections to the proposed amendments.

No written comments, suggestions or objections have been received. Therefore, the proposed regulations are hereby adapted without change and are set forth below.

Effective dae. This amendment is effective April 8, 1976.

Date: March 29, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

Subpart A of Part 1801 is amended by adding paragraphs (j), (k) and (l) to § 1801.2 to read as follows:

§ 1801.2 Receiving applications.

* * * * *

(j) FmHA will normally utilize the Social Security Number as a borrower identification number.

(k) No applicant will be denied any right, benefit, or privilege provided by law because of refusal to disclose a social security number.

(l) Any applicant requested to disclose a social security number in the completion of a loan application will be orally counseled or advised in writing that:

(1) Disclosure of the social security number is voluntary;

(2) The social security number is used in the identification of loan records and in the administration of payment transactions;

(3) Use of the Social Security Number is authorized by paragraph (j) of this section.

* * * * *

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 of Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

[FR Doc.76-10136 Filed 4-7-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

The Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority to delegate to any Board member the authority to act on a request made in the course of a formal hearing for special permission to appeal to the Board from a ruling of an Administrative Law Judge, and to delegate to the Secretary of the Board authority to extend time periods for submissions in connection with various types of application proceedings.

The provisions of 5 U.S.C. § 553, relating to notice and public participation and deferred effective date, are not followed in connection with the adoption of these amendments because the rules involved relate solely to matters of agency procedure and practice, and do not constitute substantive rules subject to the requirements of such section.

12 CFR Part 265 is amended by adding a new paragraph (c) to 265.1a as follows:

§ 265.1a Specific functions delegated to board members.

* * * * *

(c) *Any Board member* is authorized, when requested by the Secretary of the Board, to act upon any request to the Board filed with the Secretary pursuant to § 263.10(e) of the Board's Rules of Practice for Formal Hearings (12 CFR 263) for special permission to appeal from a ruling of the presiding officer at any hearing conducted pursuant to such rules on any motion ruled upon by such presiding officer (provided, that if such special permission is granted the merits of the appeal shall thereupon be presented to the Board for decision). Notwithstanding the provisions of § 265.3 hereof, the denial of such special permission pursuant to this paragraph shall be supject to review by the Board only upon the request of a member of the Board made within two days following the denial. No person claiming to be adversely affected by such denial shall have any right to petition the Board or any Board member for review or reconsideration of such action.

* * * * *

12 CFR Part 265 is amended by adding a new paragraph (15) to § 265.2(a), as follows:

§ 265.2 Specific functions delegated to board employees and to Federal Reserve Banks.

(a) *The Secretary of the Board* (or, in his absence, the Acting Secretary) is authorized: * * *

(15) To grant or deny requests for the extension of any time period provided in any notice, order, rule or regulation of the Board relating to the filing of information, comments, opposition, briefs, exceptions or other matters, in connection with any application, request or petition for the approval, authority, determination, or permission of, or any other action by the Board sought by any person. Notwithstanding the provisions of section 265.3 hereof, no person claiming to be adversely affected by any action of the Secretary on any such request shall have the right to petition the Board

or any Board member for review or reconsideration of such action.

Effective date: These amendments are effective April 2, 1976.

Board of Governors of the Federal Reserve System, April 2, 1976.

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

[FR Doc.76-10038 Filed 4-7-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-76-379]

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Fees Not Required—Sale of Secretary-Owned Property

The purpose of these amendments to Parts 205, 207, 213, 221, 232, 242, and 244 of the HUD Regulations is to eliminate the requirement for application, commitment, inspection and reopening fees in connection with the insurance of mortgages executed to finance the purchase of a multifamily project or health facility owned by the Secretary. These changes also amend corresponding provisions in Parts 220, 227, 231, 234 (projects), 235 (rehabilitation projects) and 236 through incorporation by reference.

Such fees are not required by the National Housing Act, and the collection of the fees makes it more burdensome for the Department to sell the properties which it has acquired through payment of insurance claims. The effect of the amendments is to remove a requirement which has been imposed solely to provide program income to HUD. The loss of income to the Department by the elimination of the fees is minimal compared to the economic benefits derived from the sale of acquired properties. The amendments will not have any adverse impact upon the public, and will assist the Secretary in selling acquired properties which is in the public interest. It has, therefore, been determined that advance notice and public procedure are unnecessary and that good cause exists for making these amendments effective on April 8, 1976.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 Seventh Street SW., Washington, D.C.

Accordingly, 24 CFR Parts 205, 207, 213, 221, 232, 242, and 244 are amended to read as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT [TITLE X]

1. The table of contents to Part 205 is amended to include a new section numbered 205.18 and designated "Fees not required" as follows:

205.18 Fees not required.

2. A new § 205.18 is added to read as follows:

§ 205.18 Fees not required.

The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

3. Section 207.1 is amended by adding a new paragraph (j) to read as follows:

§ 207.1 Application, SAMA letter, commitments and required fees.

* * * * *

(j) *Fees not required.* The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

4. Section 213.3 is amended by adding a new paragraph (h) to read as follows:

§ 213.3 Fees required by Commissioner.

* * * * *

(h) *Fees not required.* The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

5. The table of contents to Part 221 is amended to include a new section numbered 221.508a and designated "Fees not required" as follows:

221.508a Fees not required.

6. A new § 221.508a is added to read as follows:

§ 221.508a Fees not required.

The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

7. The table of contents to Part 232 is amended to include a new section numbered 232.17 and designated "Fees not required" as follows:

232.17 Fees not required.

8. A new § 232.17 is added to read as follows:

§ 232.17 Fees not required.

The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

9. The table of contents to Part 242 is amended to include a new section numbered 242.16 and designated "Fees not required" as follows:

242.16 Fees not required.

10. A new § 242.16 is added to read as follows:

§ 242.16 Fees not required.

The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

11. Section 244.10 is amended by adding a new paragraph (j) to read as follows:

§ 244.10 Application, SAMA letter, commitments and fees.

* * * * *

(j) *Fees not required.* The payment of an application, commitment, inspection, or reopening fee shall not be required in connection with the insurance of a mortgage involving the sale by the Secretary of any property acquired under any section or title of the Act.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).)

Effective date. This amendment is effective on April 8, 1976.

It is hereby certified that the economic and inflationary impacts of these final rules have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.76-10154 Filed 4-7-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI–777]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Winthrop, Suffolk County, Massachusetts

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 Develoment Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Winthrop, suffolk County, Massachusetts under Section 1917.8 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 floodprone 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 Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 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 Town Library, Metcalf Square, Winthrop.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevation as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary
Boston Harbor	Main St.	11	130.
	Pleasant St.	11	310.
	Pleasant Ct.	11	600.
	Girdlestone Rd.	11	600.
	Brookfield St.	11	1,600.
	Walden St.	11	1,270 (along Ingleside Park).
	Ingleside Park	11	All of it.
	Corinna Rd.	11	625.
	Pico Ave.	11	All of it.
	Plummer Ave.	11	40.
	Woodside Ave.	11	40.
	Orlando Rd.	11	90.
	Cottage Park Rd.	11	25.
	Somerset Ave.	11	125.
	Sargent St.	11	35.
	Bayview Ave.	11	520.
	Grand View Ave.	11	All of it.
	Pebble Ave.	11	Do.
	Otis Ave.	11	Do.
	Townsend St.	11	Do.
	Maryland St.	11	Do.
	Tafts Ave.	11	Do.
	Pratt St.	11	Do.
	Triton St.	11	600 (from Shirley St.).
Short Beach Creek	Morton St.	11	All of it.
	Fairview Ave. (extended)	11	950.
	Douglas St. (extended)	11	900.
	Wishire St. (extended)	11	1,830.
	Winthrop St. (extended)	11	2,070.
	Argyle St. (extended)	11	2,400.
	Golden Dr. (extended)	11	1,920.
Massachusetts Bay	Temple Ave. (extended)	11	60.
	Central St.	11	430 (from Payson St.).
	Franklin St.	11	All of it.
	Payson St.	11	Do.
	Crescent St.	11	Do.
	Hawthorne Ave.	11	Do.
	Neptune Ave.	11	Do.
	Veteran Rd.	11	Do.
	Shirley St.	11	Do.
	Golf course	11	Do.
	Coral Ave.	11	Do.
	Sea Foam Ave.	11	Do.
	Pearl Ave.	11	Do.
	Forrest St.	11	Do.
	Cutler St.	11	Do.
	Irwin St.	11	Do.
	Underhill St.	11	Do.
	Tewksbury St.	11	Do.
	Moore St.	11	Do.
	Beacon St.	11	Do.
	Washington Ave. and Sturgis St.	11	850.

(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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–10167 Filed 4–7–76;8:45 am]

Title 26—Internal Revenue

CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[Income Tax Regulations T.D. 7417]

PART 10—TEMPORARY INCOME TAX REGULATIONS UNDER PUBLIC LAW 93–625

Temporary Regulations Relating to Real Estate Investment Trusts and Extensions of the 2-Year Grace Period With Respect to Foreclosure Property

The following temporary regulations relate to the amendments made to the Internal Revenue Code of 1954 by section 6 of Public Law 93–625 (88 Stat. 2112), relating to real estate investment trusts. Section 6 of Public Law 93–625 amended section 856 of the Code to provide that a real estate investment trust may elect to treat as "foreclosure property" certain property that it acquires after December 31, 1973, as the result of having bid in such property at foreclosure, or having otherwise reduced such property to ownership or possession by agreement or process of law, after there was default (or default was imminent) on a lease of such property or on an indebtedness which such property secured. Property that a real estate investment trust has elected to treat as foreclosure property ceases to be foreclosure propery with respect to such trust on the date which is 2 years after the date the trust acquired the property, unless the trust has been granted an extension or extensions of such 2-year grace period. These regulations provide rules with respect to the extension of such 2-year grace period, including requirements relating to the time for requesting an extension, and to certain information which must be included in the request.

Adoption of regulations. In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to the extension of the 2-year grace period with respect to foreclosure property under section 856(e) of the Internal Revenue Code of 1954, the following regulations are hereby adopted:

§ 10.3 Extension of 2-year grace period with respect to foreclosure property held by a real estate investment trust.

(a) *In general.* Under section 856 (e) of the Code a real estate investment trust ("REIT") may elect to treat as foreclosure property any real property (including interests in real property), and any personal property incident to such real property, that the REIT acquires after December 31, 1973, as the result of having bid in such property at foreclosure, or having otherwise reduced such property to ownership or possession by agreement or process of law, after there was default (or default was imminent) on a lease of such property (where the REIT was the lessor) or on an indebtedness owed to the REIT which such property secured. Property that a REIT has elected to treat as foreclosure property ceases to be foreclosure

property with respect to such REIT on the date which is 2 years after the date on which the REIT acquired the property, unless the REIT has been granted an extension or extensions of such 2-year period (hereinafter referred as the "grace period") in accordance with this section. In the event that the grace period is extended, the property ceases to be foreclosure property on the day immediately following the last day of the grace period, as extended.

(b) *Rules relating to date of acquisition.* Foreclosure property which secured an indebtedness owed to the REIT is acquired for purposes of section 856(e) on the date on which the REIT acquires ownership of the property for Federal income tax purposes. Foreclosure property which a REIT owned and leased to another is acquired for purposes of section 856(e) on the date on which the REIT acquires possession of the property from its lessee. A REIT will not be considered to have acquired ownership of property for purposes of section 856(e) where it takes control of such property as a mortgagee-in-possession and cannot receive any profit or sustain any loss with respect to the property except as a creditor of the mortgagor. A REIT may be considered to have acquired ownership of property for purposes of section 856(e) even though legal title to the property is held by another person. For example, where, upon foreclosure of a mortgage held by the REIT, legal title to the property is acquired in the name of a nominee for the exclusive benefit of the REIT and the REIT is the equitable owner of the property, the REIT will be considered to have acquired ownership of such property for purposes of section 856(e). Generally, the fact that under local law the mortgagor has a right of redemption after foreclosure shall not be relevant in determining whether the REIT has acquired ownership of the property for purposes of section 856(e).

(c) *Extension of grace period*—(1) If the REIT establishes to the satisfaction of the district director of the internal revenue district in which is located the principal place of business or principal office or agency of the REIT that an extension of the grace period is necessary for the orderly liquidation of the REIT's interest in foreclosure property, or for an orderly renegotiation of a lease or leases of the property, the district director may extend such 2-year period. An extension shall be for a period of not more than 1 year, and not more than two extensions shall be granted with respect to any property. An extension of the grace period may be granted by the district director either before or after the date on which the grace period, but for such extension, would expire, and shall be effective as of the date on which the grace period, but for such extension, would expire.

(2) Generally, in order to establish the necessity of an extension, the REIT must demonstrate that it has made good faith efforts to renegotiate leases with respect to, or dispose of, the foreclosure property. In certain cases, however, the REIT may establish the necessity of an extension even though it has not made such efforts. For example, if the REIT demonstrates that, for valid business reasons, construction of the foreclosure property could not be completed before the expiration of the grace period, the necessity of the extension could be established even though the REIT had made no effort to sell the property. The fact that property was acquired as foreclosure property prior to January 3, 1975 (the date of enactment of section 856(e)), generally shall be considered as a factor (but not a controlling factor) which tends to establish that an extension of the grace period is necessary.

(d) *Time for requesting an extension of the grace period.*—(1) *General rule.* A request for an extension of the grace period must be filed with the appropriate district director more than 60 days before the day on which the grace period would otherwise expire.

(2) *Exception.* In the case of a grace period which would otherwise expire before August 6, 1976, a request for an extension will be considered to be timely filed if filed on or before June 7, 1976.

(e) *Information required.* The request for an extension of the grace period shall identify the property with respect to which the request is being made and shall also include the following information:

(1) The name, address, and taxpayer identification number of the REIT,

(2) The date the property was acquired as foreclosure property by the REIT,

(3) The taxable year of the REIT in which the property was acquired,

(4) If the REIT has been previously granted an extension of the grace period with respect to the property, a statement to that effect (which shall include the date on which the grace period, as extended, expires) and a copy of the information which accompanied the request for the previous extension,

(5) A statement of the reasons why the grace period should be extended,

(6) A description of any efforts made by the REIT after the acquisition of the property to dispose of the property or to renegotiate any lease with respect to the property, and

(7) A description of any other factors which tend to establish that an extension of the grace period is necessary for the orderly liquidation of the REIT's interest in the property, or for an orderly renegotiation of a lease or leases of the property.

(f) The REIT shall also furnish any additional information requested by the district director after the request for extension is filed.

Because of the need for immediate guidance with respect to the extension of the 2-year grace period with respect to foreclosure property provided by section 6 of Public Law 93-625, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: April 1, 1976.

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

[FR Doc.76-10139 Filed 4-7-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Mount Rainier National Park, Washington

On August 7, 1975, there was published in the FEDERAL REGISTER (40 FR 33222) a notice of proposed rulemaking setting forth an amendment to the fishing regulations at Mount Rainier National Park.

Interested parties were given the opportunity to submit, not later than September 7, 1975, comments, suggestions, or objections regarding the proposed regulation.

No comments were received. Accordingly, the amendment is adopted without change as set forth below.

Effective date: May 10, 1976.

Signed at Mount Rainier National Park, Longmire, Washington, on November 7, 1975.

DANIEL J. TOBIN, Jr.,
Superintendent, Mount Rainier National Park.

Section 7.5(a)(5) is amended as set forth below:

§ 7.5 Mount Rainier National Park.

(a) *Fishing.* (1) Fishing in all park waters shall remain open year round. * * *

(5) The daily catch and possession limit for fish taken from park waters shall be six pounds and one fish, not to exceed 12 fish.

[FR Doc.76-10089 Filed 4-7-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation, Apportionments

On page 5303 of the FEDERAL REGISTER of February 5, 1976, there was published a notice of proposed regulatory development to make changes to Part 3 of Title 38, Code of Federal Regulations, resulting from Pub. L. 94-71 (89 Stat. 395) which effected general increases in rates of disability compensation and rates of

dependency and indemnity compensation for widows, widowers and children. Section 3.461 which specifies the conditions under which awards of dependency and indemnity compensation will be apportioned for children not in the custody of the widow or widower is amended to increase the share payable to a child as an apportionment from $35 to $40 and to delete obsolete provisions.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below,

Effective date. Section 3.461 is effective August 1, 1975.

Approved: April 1, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.460, paragraphs (a), (b) and (c) are revised to read as follows:

§ 3.460 Death pension.

* * * * *

(a) *Civil and Indian wars; on and after October 1, 1967.*

Widow (Widower)	$54.29
Child	23.84
Each additional child	8.13

(b) *Spanish-American War; on and after October 1, 1967.*

Widow (Widower)	$49.51
Child	28.62
Each additional child	8.13

(c) *Mexican border period, World War I or later war periods.* (1) On and after October 1, 1954, under the laws in effect prior to July 1, 1960 (38 U.S.C. 541), the widow's or widower's share will be:

$37.80—if there is only 1 child
$31.50—if there are 2 or more children

(2) On and after October 1, 1967, under 38 U.S.C. 541, the widow's or widower's share will be:

$56.00—if her (his) annual income will not exceed $1,000
$43.00—if her (his) annual income will not exceed $2,000
$29.00—if her (his) annual income will not exceed $3,000

(3) On and after January 1, 1969, where pension is payable under 38 U.S.C. 541, the shares for the widow or widower and children will be not less than the rate which would be authorized under paragraph (c)(2) of this section. If a greater total rate is available, the additional amount will be payable to the widow (widower) or children or will be divided. See § 3.451.

2. Section 3.461 is revised to read as follows:

§ 3.461 Dependency and indemnity compensation.

(a) *Conditions under which apportionment may be made.* The widow's or widower's award of dependency and indemnity compensation will be apportioned where there is a child or children under 18 years of age and not in the custody of the widow or widower. The widow's or widower's award of dependency and indemnity compensation will not be apportioned under this condition for a child over the age of 18 years.

(b) *Rates payable.* (1) The share for each of the children under 18 years of age, including those in the widow's (widower's) custody as well as those who are not in her (his) custody, will be $40 per month. The share for the widow (widower) will be the difference between the children's shares and the total amount payable. In the application of this rule, however, the widow's (widower's) share will not be reduced to an amount less than 50 percent of that to which she (he) would otherwise be entitled.

(2) The additional amount of aid and attendance, where applicable, will be added to the widow's (widower's) share and not otherwise included in the computation.

(3) Where the widow (widower) has elected to receive dependency and indemnity compensation instead of death compensation, the share of dependency and indemnity compensation for a child or children under 18 years of age will be whichever is the greater:

(i) The apportioned share computed under paragraph (b)(1) of this section; or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation.

(4) [Revoked]

[FR Doc.76-10170 Filed 4-7-76;8:45 am]

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a)(2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 8¾ to 8½ percent. Section 36.4212(a)(2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to reduce the maximum interest rate from 8¾ to 8½ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions during that time.

1. In § 36.4212, paragraph (a)(2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to March 30, 1976. * * *

(2) 8½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8½ per centum per annum, effective March 30, 1976, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8½ per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum.

* * * * *

These VA Regulations are effective March 30, 1976.

Approved: March 29, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-10169 Filed 4-7-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-185]

PART 101–25—GENERAL

Submission of Supply Activity Reports

This regulation provides a revised date for submission of the Supply Activity Report to the General Services Administration.

Subpart 101–25.48—Reports

Section 101–25.4801(a) is revised to read as follows:

§ 101–25.4801 Supply Activity Report.

(a) Executive agencies, except the Department of Defense, shall submit reports on GSA Form 1473, Supply Activity Report (Interagency Report Control No. 1220–GSA–AN), illustrated at § 101–25.4902–1473, for each fiscal year in an original and one copy. Reports, including negative reports if applicable, shall be forwarded to the General Services Administration (FF), Washington, DC 20406, by December 15.

* * * * *

Subpart 101–25.49—Illustrations of Forms

1. Section 101–25.4902(b) is revised to read as follows:

§ 101–25.4902 GSA Forms.

* * * * *

(b) GSA forms in this section may be obtained initially from the General Services Administration (3 FNDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency regional or field offices should submit future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRO), Washington, DC 20405.

2. Section 101–25.4902–1473 is revised to illustrate the July 1975 edition of GSA Form 1473, Supply Activity Report.

NOTE: The form illustrated in § 101–25.4902–1473 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: April 1, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–10125 Filed 4–7–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20626; FCC 76–237]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Adjudicatory Re-regulation Proposals

By the Commission: Commissioner Hooks concurring in the result. 1. This Report and Order concludes a critically important phase of the Commission's effort to reduce unwarranted "delay" in the performance of its functions. The procedural reforms adopted today culminate over a year and a half of study, discussion, and evaluation. This comprehensive review of the adjudicatory process began on July 5, 1974, with the creation of the Chairman's Task Force on Adjudicatory Re-regulation. After a one year study of existing FCC and federal agency procedures and consultation with staff members, Federal Communications Bar Association (FCBA) and American Bar Association (ABA) committees, the Task Force submitted its report on July 18, 1975. The Task Force proposed changes in Commission hearing procedures in ten separate areas: (1) Consent Procedures; (2) Processing of Radio Applications; (3) Framing of Hearing Issues; (4) Predesignation Procedures for Mutually Exclusive Applications; (5) Petitions to Enlarge, Modify or Delete Hearing Issues; (6) Written Procedures; (7) Reliance on and Support of the Administrative Law Judges; (8) Discretionary Review of Initial Decisions; (9) Exceptions to Initial Decisions; and (10) Applicantions for Review. Following submission of the Task Force Report, a special committee appointed by Chairman Wiley developed specific proposals to implement possible reforms of the Commission's adjudicatory processes. These proposed reforms and accompanying rule changes were set forth in a Notice of Proposed Rulemaking, FCC 75–1250, 40 FR 54436, released November 14, 1975. Comments were received from thirteen organizations[1] by the February 2, 1976, deadline for comments.

2. Comments addressed a number of the proposed reforms. Some changes or modifications proposed by the commenting parties have been adopted; accordingly, some of the proposed rules as set forth in the Notice of Proposed Rulemaking have been rewritten, modified, or deleted. See Appendices A and B herein. However, the major reforms proposed have been adopted in substance.

3. We wish to make clear, as we stated in the Notice of Proposed Rulemaking, that the rules and policies adopted here apply generally to adjudication of radio applications. Of the two specific proposals related to common carrier services, only one—reliance on administrative law judges to prepare initial and/or recommended decisions—has been adopted in this Order. We have deferred adoption of consent procedures for common carrier proceedings pending the study by the newly established Task Force on Common Carrier Procedural Re-regulation,[2] in order that the Task Force may have an opportunity to assess the efficacy of such a reform in the context of its general overview of the "delay" problem in that area.

SUMMARY OF MAJOR RULE CHANGES

4. As a result of this proceeding, we are adopting today major changes in our adjudicatory processes. These changes are set forth in twelve basic sections:

Section I, Consent Procedures—Rules are adopted which will permit resolution of issues by agreement of a party or parties and the Commission Bureau, subject to approval by the Administrative Law Judge, at any time subsequent to designation of a matter for hearing. These new procedures will afford the opportunity for avoiding protracted adjudication where compliance with Commission rules and policies can be secured through agreement, and the party's qualifications to remain a licensee are not in question.

Section II, Processing of Broadcast Radio Applications—The Commission will collect data on processing line times in order to identify problem areas. In addition, a policy of issuing two letters—the first dealing with engineering questions, and the second dealing with remaining questions—will be adopted with strict time limits imposed for the submission of responses by applicants. This should facilitate the identification and possible resolution of Commission concerns in an early stage.

Section III, Framing of the Issues—The Commission will attempt to draft hearing issues as narrowly as possible in order to carefully define the scope of matters to be explored at the hearing, thus helping to eliminate the introduction of irrelevant and time-consuming evidence.

Section IV, Pre-designation Procedures for Mutually-Exclusive Applications—New Procedures are adopted which are designed to promote the expeditious and early preparation of cases. In addition, they will encourage earliest possible specification of issues and disclosure of positions.

Section V, Petitions to Enlarge, Modify or Delete Hearing Issues—The new procedures will allow for prompt resolution of interlocutory matters by the presiding officer familiar with the hearing record. Moreover, the Administrative Law Judge's resolution of interlocutory disputes will be generally reviewed at the time of filing exceptions to the Initial Decision, thereby reducing time-consuming review of matters which may well be rendered moot by developments at the hearing or in the Initial Decision itself. In addition, we have codified the *Edgefield Saluda* doctrine to provide that untimely motions to change hearing issues will only be considered in circumstances where they relate to matters of probably decisional significance that involve substantial public interest questions.

Section VI, Written Procedures—Administrative Law Judges are authorized to require submission of written evidence in cases involving applications for new or changed facilities and in comparative hearings on applications for new facilities. This will avoid unnecessarily prolonging hearings due to taking of oral testimony where written submissions will serve just as well.

[1] The Federal Communications Bar Association (FCBA); Air Transport Association of America (ATA); American Telephone and Telegraph Company (AT&T); The Department of Defense (DOD); Farrand, Malti, Spillane & Cooper (Farrand, Malti); Gordon & Healy; GTE Service Corporation (GTE); Public Interest Research Group (PIRG); RCA Global Communications, Inc. (RCA Global); Southern Pacific Communications Company (Southern Pacific); Southern Broadcasting (Southern); Wilkinson, Cragun & Barker (Wilkinson, Cragun); Citizens Communications Center (CCC). The Comments of CCC were filed on February 6, 1976 with a "Motion for Leave to Accept Late-Filed Comments and To Set a Time for Filing Replies." The CCC comments have been considered in full, but its request to file reply comments is denied.

[2] See Public Notice of March 17, 1976, FCC 76–238.

Section VII, Reliance on and Support of Administrative Law Judges in Ratemaking Cases—The presumption of the general rule will be that the presiding officer in ratemaking cases pursuant to Sections 201–205 of the Communications Act will prepare the Initial or Recommended Decision.

Section VIII, Review of Initial Decisions—Procedures are adopted which are intended to structure our processes to foster issue-oriented briefs and advocacy. This will result in time-savings in staff analysis of pleadings, and accordingly, allow for quicker Commission action on pending matters.

Section IX, Exceptions—The method of filing exceptions to Initial Decisions has been streamlined to discourage attempts to litigate every aspect of a case, irrespective of its materiality or immateriality to an ultimate decision. This will help facilitate staff review and preparation of decisions.

Section X, Applications for Review of Final Review Board Decisions—A *certiorari* procedure will apply when Commission review of final Review Board decisions is sought. This will permit the Commission to deny promptly an application for review where no issues warranting Commission attention are present in the case, but afford full review where the Board's decision is determined to raise concerns warranting detailed Commission consideration.

Section XI, Extensions of Time and Length of Pleadings—Strict rules on extensions of time and length of pleadings are being adopted to foreclose dilatoriness and overpleading by parties.

Section XII, Goals and Time Tables for Commissioners, Review Board and Commission Staff—Goals and time tables for actions by the Commissioners, Review Board, and Commission Staff have previously (on December 14, 1975) been adopted as guidelines for actions in the adjudicatory process.

5. Section I, *Consent procedures.* Under this heading, we proposed procedures for the negotiation of consent orders. Formal procedures would be available under which a party in hearing—on issues involving violations of law, rules or policy other than issues involving his basic qualifications to be a licensee—and the appropriate operating Bureau could negotiate a consent agreement in which a party would agree to comply with the pertinent requirements in the future without admission of past unlawful conduct. If the presiding officer accepts the agreement, he enters a consent order closing out the case, subject only to appeal or review by the Commission on its own motion. The consent procedure, as proposed, would be available only after designation for hearing and prior to the beginning of hearing sessions.

6. All those who commented on this proposal support the basic concept of consent procedures, and a number urge that they be available prior to designation for hearing and after the hearing has begun. The FCBA states that these formal procedures should be available only after designation, but that existing informal settlement procedures prior to designation should continue unchanged. The FCBA and AT&T suggest that we defer applying the consent procedures to common carrier proceedings until after the comprehensive study of common carrier procedures mentioned in the Notice has been completed. Southern Pacific, on the other hand, takes the position that consent procedures would be very useful in common carrier cases and urges their use in such cases. AT&T argues that provision should be made for waiver of the rights of third parties, and Southern suggests that the right of third parties to appeal be restricted. The FCBA suggests that we require Commission approval of consent agreements. AT&T states that no party should be compelled to participate in consent procedures. It states further that a party who has joined in a consent agreement should be permitted to withdraw if the agreement is later modified by the Commission. It also takes the position that the staff responsible for designation of the matter for hearing should not participate in negotiations. CCC states that the same procedures should apply to all types of cases. It asserts that public notice of consent orders should be given by the consenting party, in broadcasts, cablecasts, and bills sent to affected customers, and that 60 days should be allowed for appeal, so that third parties will have an opportunity to familiarize themselves with the order.

7. Under the final rules, consent procedures will be available at any time after designation for hearing. Parties will be required to notify the administrative law judge (ALJ) when negotiations are initiated, and the ALJ will have an opportunity to indicate whether they are useful, considering the stage of, and developments during, the hearing. Where appropriate, the ALJ can decide whether or not to adjourn the hearing for the purpose of negotiations. We agree with the FCBA that existing informal procedures are better suited to the predesignation stage. The consent procedures will be applicable to all adjudicatory cases to which they are suited, except that their application to common carrier cases will be deferred pending an overall study of common carrier procedures. The use of consent procedures is entirely voluntary; participation is entirely within the discretion of consenting parties, and no party, including the Bureau, is required to enter negotiations.[3] We cannot, and would not wish to, limit the rights of third parties to appeal, except as they join in the consent agreement. Third parties are entitled to participate in negotiations but are not required to do so, and may appeal if they do not join in the agreement. The Commission will act on consent orders only to the extent they are appealed or that it decides to review on its own motion. If an agreement should be modified by the Commission, any private party to the agreement will be free to withdraw. Usually, staff responsible for designating a case for hearing and the hearing staff are different. Regardless of whether they are different or the same, however, it would not appear that a separation of functions question is presented. The Bureau staff's role after designation is that of an adversary party in cases of adjudication, and the Bureau has no part in ruling on the consent order at any level. Public notice of consent orders is given after their approval by the administrative law judge. Under Section 1.302, the consent order may be appealed by a party to the proceeding within 30 days after public notice is given. Under Section 1.223(d) (para. (c) as revised) a person may file a petition to intervene after the consent order is released and, if the petition is granted, may file an appeal. The petition shall "set forth the interest of petitioner in the proceedings, show how such petitioner's participation will assist the Commission in the determination of the issues in question, and set forth reasons why it was not possible to file a timely petition to intervene. In support of intervention, it could be argued that the proceeding involves an important public interest question which should be litigated and not decided by consent and that petitioner can contribute by representing a point of view not represented by parties who did not join in the consent order. However, we do not think this opportunity for intervention justifies the special notice procedures proposed by CCC or a routine 60 day period for appeal. Where a petition to intervene is granted, petitioner will be allowed a reasonable period following grant to file the appeal.

8. Section II. *Processing of broadcast applications.* Under this heading, we stated that we would collect data to identify and deal with processing bottlenecks and that we would follow a two-letter approach for the processing of broadcast applications. In the usual case, the two-letter approach will involve an engineering letter at an early stage (if necessary) dealing with the question of whether the application is acceptable for filing. A second letter may follow when processing is essentially complete, which will deal with any other problems which are present. A 30 day period will be provided for responses to such letters.

9. The FCBA supports this proposal. Wilkinson, Cragun supports the proposal but suggests a "one letter" policy. Southern opposes any fixed 30 day limit on responses to Commission letters. Farrand, Malti urges that special problems (such as petitions to deny) should be dealt with separately and prior to routine processing. CCC, on the other hand, asserts that the Commission should not help applicants to perfect their applications if a petition to deny the application has been filed.

10. From the tenor of some of the comments, we judge we may not have made our proposal clear or that the nature of application processing is not fully understood. As we stated in the Notice of Proposed Rulemaking, the proposed procedures do "not represent a major departure from existing procedures on the processing line." The one-letter approach implies that we would fully process an application, knowing that it cannot be granted without amendment, without first affording the applicant an opportunity to make the amendment—a patently wasteful process. The 30 day period for responding to letters will be strictly applied. Applications are processed in the order of their receipt, and properly so; we can think of no proper reason to give

[3] In this respect, a new delegation of authority is needed only for the Cable Bureau.

special consideration to applications which happen to draw opposition. It would make little sense, we think, to deal with oppositions to applications before determining that the application could be granted if unopposed. Nor does it appear that this method of proceeding is more time-consuming overall than the suggested procedure of separate handling for applications which are opposed. As we stated in the Notice, we believe there is no good reason to depart from our current practice of assisting applicants to perfect their applications, a practice common to all licensing agencies at all levels of government. The alternative is to dismiss or designate for hearing on issues which can often be resolved by correspondence, a practice which seems to us abysmal in concept. As CCC states, the Commission does not "issue letters helping public representatives perfect petitions to deny." However, the Commission does routinely advise citizens concerning the requirements for filing a petition to deny, which do not compare in complexity to the required contents of applications. Nor are letters sent to applicants to perfect oppositions to petitions to deny or other pleadings.

11. This section involves no changes in the rules.

12. Section III, *Framing the issues.* Under this heading we stated that issues in all hearing cases would be drafted as narrowly as possible and decided against limiting the right of Commission Bureaus to move for enlargement of the issues. The amendment to the pre-hearing conference procedure set out in the Appendix to the Notice is discussed below under Section IV. No other rule changes were involved.

13. The FCBA supports the proposal that issues be framed narrowly, but limits such support to noncomparative issues. It states further that the Commission should urge the Bureaus to include all issues of which they are aware in the designation order. The Commission's proposal, however, speaks in terms of drafting issues as narrowly "as possible" which should satisfy the FCBA's concern regarding comparative issues. Bureaus will, of course, deal in the designation order with all relevant and material matters.

14. Section IV, *Pre-designation procedures for mutually exclusive applications.* Under this heading, we proposed the following procedures in the case of mutually exclusive broadcast applications:

(1) Applicants would be allowed 30 days after the cutoff date for the last-filed mutually exclusive application to file amendments "perfecting" their applications or to buttress their comparative positions. The positions of applicants would be frozen after this 30 day period.

(2) Applicants would be allowed 30 additional days to raise issues concerning the applications of their opponents. The 30 day period would be extended to 45 days where there are more than two competing applicants.

(3) Twenty additional days (30 if there are more than two mutually exclusive applications) would be allowed for responses to requests that issues be specified.

(4) The processing staff would review the applications, amendments and all pleadings and issue a designation order specifying issues for consideration at the hearing. This order would not be subject to review, except upon review of the initial decision.

(5) Parties would be allowed 15 days after designation to file amendments to meet issues specified in the designation order. No further amendments would be allowed.

(6) Untimely motions to enlarge the issues would be considered only if they raise questions concerning an applicant's basic qualifications. (It should be noted in this respect that the pre-designation pleading process described above specifies the timely method for requesting issues in comparative proceedings and that later requests are untimely.)

(7) Discovery would be initiated prior to the pre-hearing conference, which would be scheduled 30 days after designation.

15. The FCBA generally supports this proposal but suggests a number of changes, as follows: First, the designation order should be issued by the Bureau Chief rather than a processing line attorney. Second, the presiding officer should have authority to modify the issues. Third, the right to amend the application after designation for hearing should be limited to non-comparative issues, and the time period for filing amendments should be enlarged from 15 to 30 days. Fourth, post-designation amendments should be allowed to restore an applicant to its pre-existing competitive position where that position has been adversely affected by unforeseen circumstances, such as the death of a principal. The FCBA opposes the requirement that discovery be commenced within 30 days after designation, contending that the scope of discovery may be affected by amendments and modification of the issues. Gordon and Healy suggests that Bureau comments on motions to enlarge the issues be filed as replies so that the Bureau may have the advantage of reviewing oppositions before taking a position. It also sees an inconsistency between the pre-designation pleading process and the two-letter approach to application processing (Section II above). Wilkinson, Cragun supports the proposal but expresses concern that deferring review of the designation order, combined with the page limit on briefs, could severely restrict the applicant's ability to adequately address objections to the issues. It cautions also that high standards must be maintained in drafting issues prior to hearing, to assure that all materials bearing on a case are thoroughly and consistently analyzed. Southern states that no purpose will be served by imposing rigid time limits during the pre-designation pleading process if the staff is not current with its workload and ready to work on the application when the pleadings are filed, and suggests that staff capabilities in this respect be examined before the time limits are imposed. CCC takes the position that applicants should not be permitted to amend their applications in comparative renewal cases, contending that this encourages the applicant to make minimal proposals and to upgrade them only if challenged. It also suggests that the pre-designation issue framing process be followed in non-comparative cases in which a petition to deny is filed.

16. These varied comments will be dealt with in sequence. The Chief of the Broadcast Bureau will, in his discretion, act on designation orders under delegated authority. To avoid complicating the review of initial decisions, we are requiring that applications for review of designation orders be filed with the Commission within 5 days after the order is released, rather than as exceptions to the initial decision as proposed. However, as a matter of common practice, cases involving controversies over issues will be acted upon by the Commission. The presiding officer will have authority to modify the issues in a comparative case, but will consider a motion for modification of comparative issues only upon a showing that the matter could not have been raised during the prehearing issue framing process. See Section V below. Post-designation amendments to applications filed within 15 days after designation will be allowed only with respect to matters first raised in the designation order. We believe the FCBA's concern over post designation amendments involving comparative issues is unwarranted since comparative issues are not likely to be raised for the first time in the designation order. Except where a matter is first addressed in the designation order, sufficient opportunity to amend the application is provided prior to designation by the two-letter process and pre-designation pleading by competing applicants. Orderly and expeditious procedure requires that the application be fixed prior to designation to the extent possible. Applications may of course (and must) be amended after designation to account for unforeseen circumstances such as the death of a principal and may in this respect be amended to restore an applicant to its pre-existing competitive position. We remain persuaded that parties should initiate discovery within 30 days after designation and prior to the initial pre-hearing conference.

17. Bureau comments on motions to enlarge the issues will continue to be filed at the time for filing oppositions, so that other parties may have an opportunity to reply. As Southern suggests, it cannot be guaranteed that a staff member will be able to turn his attention to a particular case on the precise day that the pre-designation pleading periods expire. On the other hand, he may have been working on the same case for some time prior to expiration of those periods. In any event, an effort will be made to expedite processing and designate promptly. What the periods accomplish in either event is to fix the application, with amendments, and proposed issues at a set time prior to designation and to provide the staff member charged with drafting the designation order with a stable situation on which to base the order. We would also note that a period of time passes between the filing of applications and the cutoff date and that this period is a available to applicants to prepare amendments and their case against other applicants. The time limits

mitted to amend their applications in comparative renewal cases. However, as will be retained. Applicants will be pernoted above, this right applies prior to designation only, except for amendments related to issues first raised in the designation order or upon a showing of good cause for later filing. We note in this respect that a minimal application tends to attract competition, and that if amendments are not allowed, the competing applicant may be motivated to submit only a slightly better proposal. When amendments are allowed, each applicant should be motivated to upgrade to the best of his ability. The public is benefited by any such pre-designation upgrading of proposals. We do not at this stage reach the question of whether predesignation issue framing procedures should be applied in non-comparative cases.

18. We wish to clarify the relationship between the two-letter process and predesignation pleading procedures for mutually exclusive applications. The first (or engineering) letter (if needed) is usually written prior to acceptance of the application for filing. If a satisfactory response is received, the application is accepted for filing. The staff then processes the application and sends a second letter to applicants (again, only if needed) calling attention to any further deficiencies in their applications and affording applicants 30 days in which to deal with the deficiencies or problems noted. Normally, this two-letter process will be completed before the cutoff date for the last-filed application. After the cutoff date for the last-filed application applicants have 30 days to file perfecting amendments, 30 additional days to seek issues against competing applicants, and 20 days to oppose the addition of issues. When these periods have passed, the issues are drawn and the applications are designated for hearing. Applicants should not expect to receive letters from the Commission calling attention to matters raised by competing applicants or in petitions to deny.

19. Section V, *Petitions to enlarge, modify or delete hearing issues.* This heading in the Notice encompasses a number of changes, which apply to all hearing cases. First, authority to act on petitions to enlarge the issues would be transferred from the Review Board to the Administrative Law Judge presiding at the hearing. Upon further consideration, we have concluded that such authority may be vested in presiding judges by modifying the rules of procedure pursuant to 5 U.S.C. 556(c)(9), and that delegating authority to act on motions under 47 U.S.C. 155(d) is neither necessary nor appropriate and would unnecessarily complicate the procedure for appeal of such rulings. Section 1.301 of the Rules will govern such appeals. Secondly, the judges would be authorized to rule orally on all interlocutory matters whether they are raised orally or in writing. Third, interlocutory appeals from rulings of the presiding officer (including rulings on the issues) would be limited to matters appealable as a matter of right under § 1.301(a) and to matters in which the presiding officer certifies that the "appeal presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception." Rulings which are not appealable immediately could be challenged on appeal of the case as a whole. Fourth, those interlocutory appeals which are certified by the judge would be ruled on by the Commission rather than the Review Board. Fifth, page limits for appeals would be reduced from 10 pages to 5. Finally, a new standard was proposed for acting on untimely motions to enlarge the issues; such motions would be granted only if the issues in question relate to the basic statutory qualifications of an applicant and if it is demonstrated that the allegations are likely to be proved.

20. Comments on these proposals were filed by the FCBA; the Defense Department; Farrand, Malti; Wilkinson, Cragun; Southern Broadcast Co.; GTE; and AT&T. Southern expressed some reservations, discussed below. With this exception, those commenting generally favor the proposals, but suggest a number of substantive or technical changes. Southern councils caution in transferring authority over issues to the presiding officer and in deferring appeals. It fears that a judge may be influenced to deny a motion to enlarge the issues if grant would significantly increase the burden of trying the case. It is also concerned that deferring appeals may put pressure on the reviewing authority to hold that errors at the hearing stage were harmless, to avoid the burden of remand and rehearing. We consider that these concerns are groundless. Southern also suggests that the grounds for appeal as of right be limited to orders requiring testimony or the production of documents over a claim of privilege. However, we think that the other bases for appeal as of right listed in Section 1.301(a) are sound.

21. Farrand, Malti maintains that page limits for interlocutory appeals should not be reduced to five pages, arguing that this action would work a hardship on parties, deprive the Commission of a reasonably thorough presentation of sometimes complex issues, and save little or no time. These objections are not well taken, and the page limits will be adopted as proposed.

22. *Reassessment of Edgefield-Saluda Doctrine.*[4] The FCBA and Wilkinson, Cragun suggest several changes in the proposed standard for acting on untimely motions to enlarge the issues (proposed § 1.229(c)). Both suggest that an "untimely" motion to add a comparative issue should not be denied if good cause is shown for filing late (e.g., if the motion is based on new circumstances or if the moving party could not reasonably have known at an earlier date of the facts on which the motion is based). The FCBA adds that the late motion should not be granted unless the allegations, if proved, will be of decisional significance. It also suggests that issues under §§ 1.65 or 1.514 (updating the application) should not be added unless the facts support an issue for misrepresentation or lack of candor.

23. We cannot fully accept these arguments. An untimely motion to enlarge will be considered fully on its merits only if it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing. It is expected that this standard will be strictly construed. In comparative proceedings, it should be noted that the pre-designation pleading process described in Section IV above specifies the timely method for requesting issues and that later requests are untimely. In addition, motions for modification of issues which are based on new facts or newly discovered facts must be filed within 15 days after such facts are known or could reasonably have been known to the moving party.

24. Section VI, *Written procedures.* This proposal applies only to broadcast proceedings. Under it, the presiding officer, in his discretion, would be authorized to require that written procedures be used in cases for new facilities or major changes to existing facilities. Comment was requested on the possibility of making written procedures mandatory for the comparative part of new facilities cases.

25. Comments were filed by the FCBA and Wilkinson, Cragun. The FCBA favors authorizing the presiding officer to order a written procedure in "cases involving applications for new, improved and changed facilities and in comparative hearings involving only applicants for new facilities." It opposes extension of such authority to other types of cases and, by implication, opposes mandatory procedures. Wilkinson, Cragun opposes mandatory written procedures in comparative proceedings.

26. We agree with these comments. In the absence of agreement by all parties, written procedures should not be required by the ALJ in proceedings other than those proposed. In addition, we wish to make it clear that written procedures may be used for all or part of a case, that the direct testimony of some witnesses may be taken in writing whereas the testimony of others is taken orally, and that all witnesses will, of course, be made available for cross and redirect examination.

27. Section VII, *Reliance on and support of the Administrative Law Judges.* Under this proposal, the presumption of the general rule is that the officer presiding in ratemaking proceedings pursuant to Sections 201–205 of the Communications Act would prepare an initial or recommended decision.

28. The FCBA takes the position that the proposed rule is a step in the right direction but that it does not go far enough. It maintains that the presiding officer should prepare an initial decision in all cases unless time pressures preclude preparation of any intermediate

[4] *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148 (1966).

decision and require that the Commission move immediately to preparation of a final decision. ATA, Southern and GTE take essentially the same position. DOD and Wilkinson, Cragun generally support the proposal. AT&T generally supports the proposal, but states that some matters, such as rate of return proceedings warrant expedited hearings and decisions prepared directly by or for the Commission or proceedings before the Commission *en banc*. It argues that the rules should not be so written as to preclude expedited proceedings or informal continuing surveillance procedures in appropriate cases. It maintains that the rules should be structured for flexibility and should permit a mix of the most efficient and appropriate procedures in any proceeding.

29. The rule is being adopted essentially as proposed, except that on further consideration we see no need to amend Section 1.274. We agree with AT&T that the procedures followed in a given proceeding, or aspect of a proceeding, should be tailored to the efficient solution of problems presented. Accordingly, some flexibility in the role of ALJ's in ratemaking cases has been reserved for the Commission.

30. Section VIII, *Review of Initial Decision*, and Section IX, *Exceptions*. Under these headings, we proposed a number of changes in the procedures for review of all initial decisions. First, each brief would contain (a) a subject index of the contents, (b) a table of citations, (c) a concise statement of the case, (d) a specification of the questions intended to be urged, and (e) the argument. Second, the brief and exceptions to the initial decision would be consolidated into a single document limited to 50 pages in length, and the reply brief would be limited to 25 pages; exceptions would be stated as part of the argument. Third, the discussion of exceptions in the final decision would be limited to those which are of decisional significance. The purpose of these changes is to promote issue-oriented appellate proceedings.

31. The FCBA, AT&T, DOD, Southern, and Wilkinson, Cragun submitted comments generally supporting these changes but raising questions concerning the details. The FCBA states that it should be made clear that a separate list of exceptions is no longer required. The FCBA, AT&T, and Wilkinson, Cragun express concern about the adequacy of the 50 page limit for the consolidated brief and exceptions in some cases, particularly record rule making proceedings, and urge that the Commission be prepared to enlarge the limit in appropriate cases. AT&T notes that matters previously dealt with in interlocutory appeals will also have to be dealt with in the consolidated brief and exceptions.

32. The rules are being adopted essentially as proposed. A separate list of exceptions is neither required nor allowed. The 50 page limit will apply in adjudicatory proceedings only. The other changes under this heading apply to all hearing cases. It should be noted that the page limit does not apply to the index, table of citations, and other preliminary contents of the brief. It does, however, apply to all other contents including attachments or appendices.

33. Section X, *Applications for review*. Under this heading, we proposed to limit the scope of review of all Review Board final decisions. Such decisions would no longer be subject to *de novo* review by the Commission. Review would be granted only upon a showing as to one or more of the following: (1) the Board's findings are not supported by substantial evidence in the record as a whole; (2) the Board's decision involves prejudicial errors of substantive or procedural law; (3) the Board's decision is arbitrary or capricious; (4) the Board's decision conflicts with Commission policy; or (5) the Board's decision raises a novel or important issue of law or policy which warrants Commission review. The application for review and oppositions would be limited to 10 pages. Replies would be allowed only if requested by the Commission, and if requested, would be limited to 5 pages. If the application for review were granted, parties would be afforded an opportunity to file briefs and reply briefs, which would be limited to 25 pages.

34. DOD and Wilkinson, Cragun support the proposed changes. RCA Global asks that we make it clear that the changes apply only to review of the Board's final decisions and not to review of other actions taken by the staff under delegated authority. AT&T asks that we make it clear that the changes do not apply to ratemaking proceedings. Farrand, Malti suggests that there is no need for *de novo* review at any level and that the limitations on review should also govern review of initial decisions. Gordon and Healy asks that an order granting or denying the application for review be issued within 90 days after the last pleading is filed. In the event of grant, it suggests an initial order noting the intention to grant, followed by a later order specifying the grounds upon which review is allowed and setting forth the matters to be argued. The FCBA stands alone in opposing any limitation on the scope of review. It argues that applicants should have an opportunity for *de novo* review by a broadly based body such as the Commission *en banc*. Because most applications for review are denied under the present standard for review, it contends that retention of that standard would not be unduly burdensome.

35. We are adopting the rules essentially as proposed. The changes apply only to review of Review Board final decisions and, since the Board does not decide ratemaking cases, they do not apply to ratemaking. We are not inclined at this time to apply the limitations on review to Commission review of initial decisions. Nor can we promise that all applications for review of Board decisions will be acted on within 90 days. The time required for action depends on factors, such as overall workload, which are beyond our control. By internal directive dated December 16, 1975, however, we have set goals and time tables for the Review Board, the Office of Opinions and Review, and Commissioners supervising the preparation of final decisions. See Section XII and Appendix C. The goal in the case of applications for review of a final Board decision is 45 days. In any event, a two step grant procedure would not expedite the proceeding, since the time for filing briefs would have to run from the date of the second order. Our difficulty with the FCBA position is that *de novo* review of Board decisions has been a source of substantial delay in all cases, including those in which the application for review has been denied without reasons. In all cases, extensive written staff briefing on the facts has been necessary to assure informed Commission action.

36. Section XI, *Extensions of time and length of pleadings*. Under this heading, we propose to tighten the provisions governing requests for extension of time (§ 1.46) and for permission to file pleadings in excess of the length prescribed in the rules (§ 1.48). The following statement will be added to § 1.46(a): "It is the policy of the Commission that extensions of time shall not be routinely granted." Similarly, § 1.48 will be amended to provide that "It is the policy of the Commission that requests to file pleadings in excess of the length prescribed by the Rules will not routinely be granted." Further, pleadings in excess of the prescribed length because of appendices and other specified attachments will be returned without consideration. Where the filing period is 10 days or less, the rule would require that the request be filed within 2 days after the period begins to run and that, if the request is timely, the pleading need not be filed until 2 days after the request is acted on.

37. RCA Global urges retention of the present good cause standard for acting on requests for extension of time. It notes that many Commission pleading periods are short, that parties may currently be engaged in a number of important and complex Commission proceedings, and that the quality of pleadings should not suffer from rigid adherence to inflexible pleading periods. Further, it suggests that pleadings of proper length should not be returned because of improper attachments, a better procedure being to consider the pleading without the attachments. GTE expresses concern about the 2 day limits prescribed in Section 1.48 (retained from the present rule). Because of vagaries of the mail and other delays, it fears that these periods may pass before petitioner can learn of Commission action. Where the filing period is 10 days or less, it suggests that requests to file pleadings longer than the Rules allow be received up to 2 days before the filing date and that we allow four days after Commission action to file the pleading.

38. We are concerned that the practice of requesting and granting requests for extension of time on a regular, routine basis has grown to the point of abuse and has contributed materially to the delay of proceedings. In amending § 1.46, our intention is to adjure parties and staff officials responsible for acting on requests for extensions of time to tighten up the process. Furthermore, we

adhere to the view that pleadings must be returned as unacceptable for filing because of impermissible attachments. Nor can we agree with GTE on the 2 day rule. This rule has been operative for many years, without indication of prejudice to parties. GTE's proposal would, in effect, provide an automatic extension of time whenever a request to file a lengthier pleading is submitted under Section 1.48. We suggest that the solution to any difficulties which the 2 day provision may present can be solved by telephone contact between the party filing the request and staff personnel responsible for acting or initiating action on it.

39. Similarly, we intend to adhere to page limits prescribed by the rules. Requests to file lengthier pleadings will not be viewed with favor.

40. Section XII, *Internal Directive.* We have also released today an internal directive, FCC Inst. 1150.1, FCC 75–1433, effective December 15, 1975, from the Chairman to the Office of Opinions and Review and the Review Board which sets forth changes in the internal procedures of those offices which are designed to reduce delay. In addition, we have set goals and timetables for completion of various stages of internal review by those offices. See Appendix C. We agree with those who commented that the Commission had an obligation to reform its internal procedures which are a source of delay. The implemented changes set specific goals for processing by the Office of Opinions and Review with respect to interlocutory and other applications for review and petitions for reconsideration, summaries of exceptions prepared for oral argument, draft decisions following instructions from the Commission, and review of decisions by the supervising Commissioner. Similarly, the Review Board staff has been assigned specific goals for scheduling oral argument following receipt of pleadings and processing summaries of exceptions and draft decisions after instructions from the Review Board. Both the Review Board and the Office of Opinions and Review will make quarterly reports to the Commission with respect to average processing time for each of the described categories of activities, for the purpose of identifying problem areas. We believe these changes will ultimately help reduce delays which can be attributed to internal procedures.

Conclusion

41. In conclusion, this agency considers administrative delay its most serious current problem. Unwarranted delay constitutes a fundamental disservice to the American public. The rules we have adopted today represent a critically important step in the process of reducing such delay in the Commission's process. These reforms of our adjudicatory procedures should produce a significant reduction in delays, while insuring due process to parties and the public.

42. We recognize that the reforms impose new and additional burdens on the Bar, parties to Commission proceedings, and this agency itself. But we believe these burdens are well worth bearing if they enable us to achieve expedition in our processes, while insuring due process, and thus advance the public interest.

43. We are receptive to new proposals to change our procedures to reduce unwarranted delay, and will continue to be vigilant in monitoring our processes to evaluate the results of these changes as well as to discover other sources of delay which can be eliminated.

44. Because a number of the comments suggested procedural changes other than those set forth in the Notice of Proposed Rulemaking, and we have not dealt with such suggestions in this document, which is limited to changes proposed in the Notice, we intend to keep this docket proceeding open to consider any such proposals at a future date.

45. As a result of these procedural reforms, there will be a reduced workload for the Commission's Review Board. Accordingly, the Commission will assign the newly available staff to other areas of the adjudicatory process where backlogs might develop.

46. Authority for the rules set out in Appendix B is set out in Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r).

47. Accordingly, It is ordered, effective July 1, 1976. That Parts 0 and 1 of the rules and regulations are amended as set out in Appendix B hereto. Applications, motions, and exceptions pending as of that date will be subject to preexisting rules. Applications filed on or after July 1, 1976, however, which are mutually exclusive with earlier filed proposals will be subject to preexisting rules. Applications (not mutually exclusive with applications filed prior to July 1, 1976), motions and exceptions filed on or after that date shall be subject to the appended rules. Applications for review of action on a motion filed prior to July 1, 1976 will be subject to the preexisting rules.

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

Adopted: March 17, 1976.

Released: April 2, 1976.

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

List of New Rule Sections

Section I
- 0.288(w)
- 1.93
- 1.94
- 1.95
- 1.248(c)(7)

Section II and III
- None

Section IV
- 1.223 (b) and (c)
- 1.248 (a) and (b)(1)
- 1.311(c)(1)
- 1.522 (a) and (b)
- 1.584

Section V
- 0.161
- 0.341(a)(2)
- 0.361(a)
- 1.115(e)
- 1.229
- 1.243 (j) and (k)
- 1.291(a)(2)
- 1.298(b)
- 1.301 (b) and (c) (1), (5), (6), and (7)

Section VI
- 1.248(d)
- 1.321(d)(3)

Section VII
- 1.267(a)

Section VIII and IX
- 1.276(a)
- 1.277 (a), (b), and (c)
- 1.282(b)(2)

Section X
- 0.371(h)
- 1.104(a)
- 1.115 (b) (2) and (5) and (f)

Section XI
- 1.46(a)
- 1.48(b)

1. Section 0.161 is revised to read as follows:

§ 0.161 Functions of the Board.

The Review Board is a permanent body with continuing functions, composed of three or more Commission employees designated by the Commission. The Board reviews initial decisions and other hearing matters referred to it by the Commission, and performs such additional duties not inconsistent with these functions as may be assigned to it by the Commission.

2. Section 0.288(w) is added, to read as follows:

§ 0.288 Authority delegated.

* * * * *

(w) To enter into consent agreements pursuant to §§ 1.93 and 1.94 of this chapter.

3. In § 0.341, paragraph (2) of paragraph (a) is deleted, and paragraph (3) is redesignated paragraph (2), to read as follows:

§ 0.341 Authority of Administrative Law Judge.

(a) * * *

(2) Those which are to be acted upon by the Chief Administrative Law Judge under §0.351.

* * * * *

4. Section 0.361(a) is revised to read as follows:

§ 0.361 General Authority.

(a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.365. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

* * * * *

§ 0.365 [Amended]

5. In § 0.365, paragraphs (b) and (c) are deleted and reserved.

6. Section 0.371(h) is added, to read as follows:

§ 0.371 Authority delegated.

* * * * *

(h) To issue orders, as appropriate, requesting the filing of further pleadings.

7. Section 1.46(a) is revised to read as follows:

§ 1.46 Motions for extension of time.

(a) It is the policy of the Commission that extensions of time shall not be routinely granted.

* * * * *

8. Section 1.48(b) is revised to read as follows:

§ 1.48 Length of pleadings.

* * * * *

(b) It is the policy of the Commission that requests for permission to file pleadings in excess of the length prescribed by the provisions of this chapter shall not be routinely granted. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.4.) If a timely request is made, the pleading need not be filed earlier than 2 business days after the Commission acts upon the request.

9. Sections 1.93–1.95 are added, to read as follows:

§ 1.93 Consent orders.

(a) As used in this subpart, a "consent order" is a formal decree accepting an agreement between a party to an adjudicatory hearing proceeding held to determine whether that party has violated statutes or Commission rules or policies and the appropriate operating Bureau, with regard to such party's future compliance with such statutes, rules or policies, and disposing of all issues on which the proceeding was designated for hearing. The order is issued by the officer designated to preside at the hearing or (if no officer has been designated) by the Chief Administrative Law Judge.

(b) Where the interests of timely enforcement or compliance, the nature of the proceeding, and the public interest permit, the Commission, by its operating Bureaus, may negotiate a consent order with a party to secure future compliance with the law in exchange for prompt disposition of a matter subject to administrative adjudicative proceedings. Consent orders may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license (see 47 U.S.C. 308 and 309).

§ 1.94 Consent order procedures.

(a) Negotiations leading to a consent order may be initiated by the operating Bureau or by a party whose possible violations are issues in the proceeding. Negotiations may be initiated at any time after designation of a proceeding for hearing. If negotiations are initiated the presiding officer shall be notified. Parties shall be prepared at the initial prehearing conference to state whether they are at that time willing to enter negotiations. See § 1.248(c)(7). If either party is unwilling to enter negotiations, the hearing proceeding shall proceed. If the parties agree to enter negotiations, they will be afforded an appropriate opportunity to negotiate before the hearing is commenced.

(b) Other parties to the proceeding are entitled, but are not required, to participate in the negotiations, and may join in any agreement which is reached.

(c) Every agreement shall contain the following:

(1) An admission of all jurisdictional facts;

(2) A waiver of the usual procedures for preparation and review of an initial decision;

(3) A waiver of the right of judicial review or otherwise to challenge or contest the validity of the consent order;

(4) A statement that the designation order may be used in construing the consent order;

(5) A statement that the agreement shall become a part of the record of the proceeding only if the consent order is signed by the presiding officer and the time for review has passed without rejection of the order by the Commission;

(6) A statement that the agreement is for purposes of settlement only and that its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. 6002); and

(7) A draft order for signature of the presiding officer resolving by consent, and for the future, all issues specified in the designation order.

(d) If agreement is reached, it shall be submitted to the presiding officer or Chief Administrative Law Judge, as the case may be, who shall either sign the order, reject the agreement, or suggest to the parties that negotiations continue on such portion of the agreement as he considers unsatisfactory or on matters not reached in the agreement. If he rejects the agreement, the hearing shall proceed. If he suggests further negotiations, the hearing will proceed or negotiations will continue, depending on the wishes of parties to the agreement. If he signs the consent order, he shall close the record.

(e) Any party to the proceeding who has not joined in any agreement which is reached may appeal the consent order under § 1.302, and the Commission may review the agreement on its own motion under the provisions of that section. If the Commission rejects the consent order, the proceeding will be remanded for further proceedings. If the Commission does not reject the consent order, it shall be entered in the record as a final order and is subject to judicial review on the initiative only of parties to the proceeding who did not join in the agreement. The Commission may revise the agreement and consent order. In that event, private parties to the agreement may either accept the revision or withdraw from the agreement. If the party whose possible violations are issues in the proceeding withdraws from the agreement, the consent order will not be issued or made a part of the record, and the proceeding will be remanded for further proceedings.

(f) The provisions of this section shall not alter any existing procedure for informal settlement of any matter prior to designation for hearing (see, e.g., 47 U.S.C. 208) or for summary decision after designation for hearing.

(g) Consent orders, pleadings relating thereto, and Commission orders with respect thereto shall be served on parties to the proceeding. Public notice will be given of orders issued by an administrative law judge, the Chief Administrative Law Judge, or the Commission. Negotiating papers constitute work product, are available to parties participating in negotiations, but are not routinely available for public inspection.

§ 1.95 Violation of consent orders.

Violation of a consent order shall subject the consenting party to any and all sanctions which could have been imposed in the proceeding resulting in the consent order if all of the issues in that proceeding had been decided against the consenting party and to any further sanctions for violation noted as agreed upon in the consent order. The Commission shall have the burden of showing that the consent order has been violated in some (but not in every) respect. Violation of the consent order and the sanctions to be imposed shall be the only issues considered in a proceeding concerning such an alleged violation.

9a. Section 1.104(a) is revised, to read as follows:

§ 1.104 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff on nonhearing matters. They do not apply to interlocutory actions of the Chief Administrative Law Judge in hearing proceedings, or to hearing designation orders issued under delegated authority. See §§ 0.351, 1.106(a) and 1.115(e).

* * * * *

10. In § 1.115, the portion of paragraph (b)(2) preceding subdivision (i) is revised to read as follows; the note following paragraph (b)(4) is deleted; paragraph (b)(5) and a note following paragraph (b)(5) are added to read as follows; paragraph (e) is revised to read as follows; and paragraph (f) is revised to read as follows:

§ 1.115 Application for review of action taken pursuant to delegated authority.

* * * * *

(b) * * *

(2) Except as provided in paragraph (b)(5) of this section, the application for

review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

* * * * *

(5) The application for review of a final decision of the Review Board shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented: (i) The Board's findings are not supported by substantial evidence in the record as a whole; (ii) the Board's decision involves prejudicial errors of substantive or procedure law; (iii) the Board's decision is arbitrary or capricious; (iv) the Board's decision conflicts with Commission policy; or (v) the Board's decision raises a novel or important issue of law or policy which warrants Commission review.

NOTE: If the Commission grants an application for review of a final decision of the Review Board, it will generally permit the parties to file briefs and present oral argument. Thus, the application for review should be prepared with the understanding that its purpose is not to obtain a Commission decision on the merits of the issues but rather to convince the Commission to review those issues.

* * * * *

(e) (1) Applications for review of interlocutory rulings made by the Chief Administrative Law Judge (see § 0.351) shall be deferred until the time when exceptions are filed unless the Chief Judge certifies the matter to the Commission for review. A matter shall be certified to the Commission only if the Chief Judge determines that it presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The request to certify the matter to the Commission shall be filed within 5 days after the ruling is made. The application for review shall be filed within 5 days after the order certifying the matter to the Commission is released or such ruling is made. Oppositions shall be filed within 5 days after the application is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested. A ruling certifying or not certifying a matter to the Commission is final: *Provided, however,* that the Commission may, on its own motion, dismiss the application for review on the ground that objections to the ruling should be deferred and raised as an exception. Applications for review of interlocutory rulings made by the Review Board (see § 0.365(d)) shall be filed only as part of the application for review of the Board's final decision.

(2) The failure to file an application for review of an interlocutory ruling made by the Chief Administrative Law Judge or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

(3) Applications for review of a designation order issued under delegated authority shall be filed within 5 days after the order is released. Oppositions shall be filed within 5 days after the application for review is filed. Replies (if allowed) shall be filed within 5 days after they are requested.

(f) Applications for review, oppositions and replies shall conform to the requirements of §§ 1.49, 1.51 and 1.52, and shall be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and on parties to the proceeding. Applications for review of final decisions of the Review Board, and oppositions thereto, shall not exceed 10 double-spaced typewritten pages. Applications for review of interlocutory actions in hearing proceedings (including designation orders) and oppositions thereto, shall not exceed 5 double-spaced typewritten pages. Applications for review of other actions, and oppositions thereto, shall not exceed 25 double-spaced typewritten pages. Replies to oppositions shall be filed only if requested by the Commission and, if requested, shall not exceed 5 double-spaced typewritten pages. If the Commission grants review of a Review Board final decision, the parties may file briefs and reply briefs, which shall not exceed 25 double-spaced typewritten pages. Briefs shall be filed within 30 days after release of the order granting review. Reply briefs shall be filed within 10 days after the last day for filing briefs.

* * * * *

11. In § 1.223, paragraphs (b) and (c) are revised to read as follows and paragraph (d) is deleted:

§ 1.223 Petitions to Intervene.

* * * * *

(b) Any other person desiring to participate as a party in any hearing may file a petition for leave to intervene not later than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto. The petition must set forth the interest of petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The presiding officer, in his discretion, may grant or deny such petition or may permit intervention by such persons limited to particular stage of the proceeding.

(c) Any person desiring to file a petition for leave to intervene later than 30 days after the publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto shall set forth the interest of petitioner in the proceeding, show how such petitioner's participation will assist the Commission in the determination of the issues in question, must set forth any proposed issues in addition to those already designated for hearing, and must set forth reasons why it was not possible to file a petition within the time prescribed by paragraphs (a) and (b) of this section. Such petition shall be accompanied by the affidavit of a person with knowledge of the facts set forth in the petition, and where petitioner claims that a grant of the application would cause objectionable interference under applicable provisions of this chapter, the petition to intervene must be accompanied by the affidavit of a qualified radio engineer showing the extent of such alleged interference according to the methods prescribed in paragraph (a) of the section. If, in the opinion of the presiding officer, good cause is shown for the delay in filing, he may in his discretion grant such petition or may permit intervention limited to particular issues or to a particular stage of the proceeding.

12. Section 1.229 is revised to read as follows:

§ 1.229 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed within 15 days after the issues in the hearing have been published in the FEDERAL REGISTER. In comparative broadcast proceedings (including comparative renewal proceedings), however, such motions shall be filed under the predesignation issue framing procedure (see § 1.584) and may not be filed after designation for hearing. Any person desiring to file a motion to modify the issues after expiration of the above specified periods shall set forth the reason why it was not possible to file the motion within the prescribed period. Except as provided in paragraph (c) of this section, the motion will be granted only if good cause is shown for the delay in filing. Motions for modification of issues which are based on new facts or newly discovered facts shall be filed within 15 days after such facts are discovered by the moving party.

(c) In the absence of good cause for late filing of a motion to modify the issues, the motion to enlarge will be considered fully on its merits if (and only if) initial examination of the motion demonstrates that it raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing.

(d) Such motions, opposition thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof.

13. In § 1.243, paragraph (j) is revised and paragraph (k) is added, to read as follows:

§ 1.243 Authority of presiding officer.

* * * * *

(j) Take actions and make decisions in conformity with the Administrative Procedure Act; and

(k) Act on motions to enlarge, modify or delete the hearing issues.

14. In § 1.248 (a) and (b)(1) are revised; (c)(7) is added; and (d) is revised, to read as follows:

§ 1.248 Prehearing conferences; hearing conferences.

(a) The Commission, on its own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to a hearing, or to submit suggestions in writing, for the purpose of considering, among other things, the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

(b)(1) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section. The initial prehearing conference shall be scheduled 30 days after the effective date of the order designating a case for hearing, unless good cause is shown for scheduling such conference at a later date.

* * * * *

(c) * * *

(7) In proceedings in which consent agreements may be negotiated (see § 1.93), the parties shall be prepared to state at the initial prehearing conference whether they are at that time willing to enter negotiations leading to a consent agreement.

(d) This paragraph applies to broadcast proceedings only.

(1) At the prehearing conference prescribed by this section, the parties to the proceeding shall be prepared to discuss the advisability of reducing any or all phases of their affirmative direct cases to written form.

(2) In hearings involving applications for new, improved and changed facilities and in comparative hearings involving only applications for new facilities, where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, the presiding officer may, in his discretion, require them to do so.

(3) In other broadcast proceedings, where it appears that it will contribute significantly to the disposition of the proceeding for the parties to submit all or any portion of their affirmative direct cases in writing, it is the policy of the Commission to encourage them to do so. However, the phase or phases of the proceeding to be submitted in writing, the dates for the exchange of the written material, and other limitations upon the effect of adopting the written case procedure (such as whether material ruled out as incompetent may be restored by other competent testimony) is to be left to agreement of the parties as approved by the presiding officer.

* * * * *

15. Section 1.267(a) is revised to read as follows:

§ 1.267 Initial and recommended decisions.

(a) Except as provided in this paragraph, in §§ 1.94, 1.251 and 1.274, or where the proceeding is terminated on motion (see § 1.302), the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. In the case of rate making proceedings conducted under Sections 201–205 of the Communications Act, the presumption shall be that the presiding officer shall prepare an initial or recommended decision. The Secretary will make the decision public immediately and file it in the docket of the case.

* * * * *

16. Section 1.276(a) is revised to read as follows:

§ 1.276 Appeal and review of initial decision.

(a)(1) Within 30 days after the date on which public release of the full text of an initial decision is made, or such other time as the Commission may specify, any of the parties may appeal to the Commission by filing exceptions to the initial decision, and such decision shall not become effective and shall then be reviewed by the Commission, whether or not such exceptions may thereafter be withdrawn. It is the Commission's policy that extensions of time for filing exceptions shall not be routinely granted.

(2) Exceptions shall be consolidated with the argument in a supporting brief and shall not be submitted separately. As used in this subpart, the term "exceptions" means the document consolidating the exceptions and supporting brief. The brief shall contain (i) a table of contents, (ii) a table of citations, (iii) a concise statement of the case, (iv) a statement of the questions of law presented, and (v) the argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific reference to the record and all legal or other materials relied on.

* * * * *

17. In § 1.277, paragraphs (a), (b) and (c) are revised to read as follows:

§ 1.277 Exceptions; oral arguments.

(a) The consolidated supporting brief and exceptions to the initial decision (see § 1.276(a)(2)), including rulings upon motions or objections, shall point out with particularity alleged material errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order if any on which the exception is based. Any objection not saved by exception filed pursuant to this section is waived.

(b) Within the period of time allowed in § 1.276(a) for the filing of exceptions, any party may file a brief in support of an initial decision, in whole or in part, which may contain exceptions and which shall be similar in form to the brief in support of exceptions (see § 1.276(a)(2)).

(c) Except by special permission, the consolidated brief and exceptions will not be accepted if the exceptions and argument exceed 50 double-spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double-spaced typewritten pages. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

* * * * *

18. In § 1.282, paragraph (b)(2) is revised to read as follows:

§ 1.282 Final decision of the Commission.

* * * * *

(b) * * *

(2) Rulings on each relevant and material exception filed; the Commission will deny irrelevant exceptions, or those which are not of decisional significance, without a specific statement of reasons prescribed by subparagraph (1) of this paragraph; and

* * * * *

19. Section 1.291(a)(2) is revised to read as follows:

§ 1.291 General provisions.

(a) * * *

(2) The Review Board acts on interlocutory pleadings in proceedings which are before the Board.

* * * * *

20. In § 1.298, paragraph (b) is revised to read as follows and paragraph (c) is deleted:

§ 1.298 Rulings; time for action.

* * * * *

(b) In the discretion of the presiding officer, rulings on interlocutory matters may be made orally at the hearing. The presiding officer may, in his discretion, state his reasons on the record or subsequently issue a written statement of the reasons for his ruling, either separately or as part of the initial decision.

21. In § 1.301, paragraph (b) and paragraphs (1), (5), (6) and (7) of paragraph (c) are revised to read as follows:

§ 1.301 Appeal from presiding officer's adverse ruling; effective date of ruling.

* * * * *

(b) *Other interlocutory rulings.* Except as provided in paragraph (a) of this section, appeals from interlocutory rulings of the presiding officer shall be filed only if allowed by the presiding officer. Any party desiring to file an appeal shall first file a request for permission to file appeal. The request shall be filed within 5 days after the order is released or (if no written order) after the ruling is made. Pleadings responsive to the request shall be filed only if they are requested by the presiding officer. The request shall contain a showing that the appeal presents a new or novel question of law or policy and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception. The presiding officer shall determine whether the showing is such as to justify an interlocutory appeal and, in accordance with his determination, will either allow or disallow the appeal or modify the ruling. If the presiding officer allows or disallows the appeal, his ruling is final: *Provided, however,* that the Commission may, on its own motion, dismiss an appeal allowed by the presiding officer on the ground that objection to the ruling should be deferred and raised as an exception. In the discretion of the presiding officer, the request for permission to file appeal may be made orally, on the record of the proceeding. The request may be disposed of orally.

(1) If an appeal is not allowed, or is dismissed by the Commission, or if permission to file an appeal is not requested, objection to the ruling may be raised on review of the initial decision.

(2) If an appeal is allowed and is considered on its merits, the disposition on appeal is final. Objection to the ruling or to the action on appeal may not be raised on review of the initial decision.

(3) If the presiding officer modifies the ruling, any party adversely affected by the modified ruling may file a request for permission to file appeal, pursuant to the provisions of this paragraph.

(c) *Procedures, effective date.* (1) Unless the presiding officer orders otherwise, rulings made by him shall be effective when the order is released or (if no written order) when the ruling is made. The Commission may stay the effect of any ruling which comes before it for consideration on appeal.

* * * * *

(5) The appeal shall not exceed 5 double-spaced typewritten pages.

(6) Appeals are acted on by the Commission.

(7) Oppositions and replies shall be served and filed in the same manner as appeals and shall be served on appellant if he is not a party to the proceeding. Oppositions shall be filed within 5 days after the appeal is filed. Replies shall not be permitted, unless the Commission specifically requests them. Oppositions shall not exceed 5 double-spaced typewritten pages. Replies shall not exceed 5 double-spaced typewritten pages.

22. Section 1.311(c)(1) is revised to read as follows:

§ 1.311 General.

* * * * *

(c) *Schedule for use of the procedures.* (1) Except as provided in this paragraph, discovery shall be initiated prior to the initial prehearing conference. See § 1.248. The presiding officer may at any time order the parties or their attorneys to appear at a conference to consider the proper use of these procedures or the time to be allowed for such use.

* * * * *

23. Section 1.321(d)(3) is revised to read as follows:

§ 1.321 Use of depositions at the hearing.

* * * * *

(d) * * *

(3) To the extent that the affirmative direct case of a party is made in writing pursuant to §1.248(d), the deposition of any witness, whether or not a party, may be used by any party for any purpose, provided the witness is made available for cross-examination. In all cases, the deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

* * * * *

24. In § 1.522, paragraphs (a) and (b) are revised to read as follows:

§ 1.522 Amendment of applications.

(a) *Predesignation amendment.* (1) Subject to the provisions of §§ 1.525, 1.571(j), 1.572(b), 1.573(b) and 1.580, and except as provided in subparagraph (2) of this paragraph, any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.513. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on the petitioner.

(2) Subject to the provisions of §§ 1.525, 1.571(j), 1.572(b), 1.573(b), and 1.580, mutually exclusive broadcast applications may be amended as a matter of right within 30 days after the cutoff date specified for the last-filed application. Subsequent amendments prior to designation of the proceeding for hearing will be considered only upon a showing of good cause for late filing or in response to Commission letters concerning deficiencies in or problems with the application. See §§ 1.65 and 1.514.

(b) *Postdesignation amendment.* (1) Except as provided in Subparagraph (2) of this paragraph, requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record in accordance with § 1.47 and, where applicable, compliance with the provisions of § 1.525, and will be considered only upon a showing of good cause for late filing. In the case of requests to amend the engineering proposal (other than to make changes with respect to the type of equipment specified), good cause will be considered to have been shown only if, in addition to to the usual good cause consideration, it is demonstrated (1) that the amendment is necessitated by events which the applicant could not reasonably have foreseen (e.g., notification of a new foreign station or loss of transmitter site by condemnation) and (2) that the amendment does not require an enlargement of issues or the addition of new parties to the proceeding.

(2) In comparative broadcast cases (including comparative renewal proceedings), amendments relating to issues first raised in the designation order may be filed as a matter of right within 15 days after that Order is published in the FEDERAL REGISTER.

* * * * *

25. Section 1.584 is added, to read as follows:

§ 1.584 Pleadings to Specify Issues.

Subject to the provisions of §§ 1.522(a), 1.578, 1.580, mutually exclusive applicants, and an applicant for renewal of a broadcast station license against which a competing application has been filed, may submit pleadings to specify issues for hearing against other mutually exclusive or competing applications. Such pleadings shall be filed within 30 days after perfecting amendments to the applications are due (see § 1.522(a)(2)). Pleadings shall contain specific allegations of fact and shall be supported by affidavit of a person or persons with personal knowledge thereof. Pleadings in oppositions to such pleadings to specify issues may be filed within 20 days after the initial predesignation pleadings are due. If there are more than two competing or mutually exclusive applicants, the period for filing pleadings specifying issues shall be 45 days and the period for filing oppositions thereto shall be 30 days. No reply pleadings may be filed.

APPENDIX C.—FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C. 20554

DIRECTIVE IDENTIFICATION

To: The Office of Opinions and Review and The Review Board.

Subject: Changes in Internal Hearing Procedures.

1. *Purpose.* This Administrative Instruction implements Goals and Time Tables for the Office of Opinions and Review and the Review Board as well as changing the format for draft decisions and internal memoranda.

2. *Changes.* Pursuant to the Commission's ongoing re-regulation efforts, the Office of Opinions and Review and the Review Board are instructed to implement the changes in internal procedures set forth below.

Office of Opinions and Review: a. *Discontinue any summarization of pleadings of the parties in draft decisions other than in addressing arguments of the parties.*

b. *Change format of memoranda to Commission to an issue-by-issue analysis.* The present practice of summarizing each of the parties pleadings individually is somewhat confusing to the reader. Instead, a background statement followed by an issue-by-issue analysis of the case is suggested.

c. *Goals and time tables.* The following time periods would be set forth as the goals for the Office of Opinions and Review:

Action on interlocutory applications for review, 45 days.

Action on applications seeking review of final board decision, 45 days.

Action on applications for review of board decisions where review has been granted, 75 days.

Summaries of exceptions prepared for oral argument, 105 days.

Draft decisions following instructions, 45 days.

Petitions for reconsideration, 45 days.

Review by supervising Commissioner, 15 days.

The Office of Opinions and Review would be required to keep data on its processing times and every four months report to the Commission its average processing time for each category of action during the past four months. This would establish deadlines for the Office, and afford Commission scrutiny three times annually to assess improvements or problems in areas of Office responsibilities.

Review board: The Review Board should try to set a date for oral argument, where requested, within 90 days after the filing of the last pleading in response to exceptions, or the Review Board Staff should try to provide summaries of exceptions, where no oral argument will be held within 90 days after the filing of the last pleading in response to exceptions. The goal for draft decisions will be 90 days after instructions from the Board members. Every four months, the Board shall supply the Commission data indicating the average processing time in those categories.

3. *Effective date:* December 15, 1975.

RICHARD E. WILEY,
Chairman.

[FR Doc.76-10097 Filed 4-7-76;8:45 am]

[Docket No. 19528; FCC 76-235]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Application for Equipment Registration, Memorandum Opinion and Order

Correction

In FR Doc 76-8311 appearing in the issue for Friday, March 26, 1976, on page 12665, at the top of the second column of the page, the first six lines, which includes the formula, should appear in the first column on the same page following the sentence which reads as follows: "2. Section 68.310 is amended as follows:"

On page 12675, in the first column, the heading which reads, "Voltage Applied for Various Combinations of Electrical Connections" should read "Voltages Applied for Various Combinations of Electrical Connections." Also on page 12675, in the second column paragraph (b)(2), seventh line which reads "tions terminated with 1500 oms, tip to" should read: "tions terminated with 1500 ohms, tip to".

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-16; Notice 07]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems; Correction

In FR Doc. 76-5807, appearing at page 8783 in the issue of Monday, March 1, 1976, an amendment of S5.4.2.2 of Standard No. 121 was incorrectly labeled.

Accordingly, the designation "S4.2.2" is corrected to "S5.4.2.2".

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 2, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-10100 Filed 4-7-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte Nos. MC-5 and 159]

PART 1003—LIST OF FORMS

Security for the Protection of the Public

At a Session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 26 day of March 1976.

By order of the Commission published on page 10910 of the March 15, 1976 issue of the FEDERAL REGISTER, §§ 1043.2 and 1084.3 of Title 49 of the Code of Federal Regulations were amended to increase the minimum cargo limits of liability for motor common carriers of property and freight forwarders. The increased limits of cargo liability security shall become effective July 1, 1976.

To implement the increased minimum cargo liability limits, Forms BMC 32, prescribed in 49 CFR § 1003.1(b), and FF 32, prescribed in 49 CFR § 1003.3(b) are amended to indicate the higher limits. Forms BMC 32 and FF 32 are the prescribed endorsements for policies of insurance for cargo liability for motor common carriers and freight forwarders respectively. Copies of these forms, as amended, are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

To further implement the increase in cargo liability limits, the prescribed forms for the Motor Common Carrier Cargo Liability Surety Bond, designated as BMC 83 (Rev. 1969), and the Freight Forwarder Cargo Liability Surety Bond, designated as FF 43 (Rev. 1969), are revised and redesignated as BMC 83 (Rev. 1976) and FF 43 (Rev. 1976) respectively. Copies of these forms are also available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

It is ordered, That Part 1003 of Chapter X of Title 49 of the Code of Federal Regulations be amended as follows:

1. The listing of Form BMC 83 (Rev. 1969) contained in paragraph (b) of § 1003.1 is amended to read as follows:

§ 1003.1 Motor Carrier and Broker Forms.

* * * * *

(b) Insurance and Surety Bond Forms.

* * * * *

B. M. C. 83 (Rev. 1976)
Motor Common Carrier Cargo Liability Surety Bond

* * * * *

2. The list of Form FF 43 (Rev. 1969) contained in paragraph (b) of § 1003.3 is revised to read as follows:

§ 1003.3 Freight Forwarder Forms.

* * * * *

(b) Insurance and Surety Bond Forms.

* * * * *

FF 43 (Rev. 1976) Freight Forwarder Cargo Liability Surety Bond.

* * * * *

It is further ordered, That this order shall be, and it is, effective July 1, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register.

(Sec. 215, 49 Stat. 557, as amended, Sec. 403, 56 Stat. 285; 49 U.S.C. 315, 1003)

By the Commission, Insurance Board Board Members Teeple, Schloer, and (vacant).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10210 Filed 4-8-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge

The following special regulation is issued and is effective on April 8, 1976.

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 1, 1976 through September 30, 1976, daylight hours only.

(2) The open season for sport fishing on Lake Tewaukon extends from May 1, 1976 through November 20, 1976, daylight hours only.

(3) Access to Lake Tewaukon will be limited to certain designated shoreline areas from October 1, 1976 through November 20, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 20, 1976.

HERBERT G. TROESTER,
Refuge Manager.

MARCH 18, 1976.

[FR Doc.76-10086 Filed 4-7-76;8:45 am]

PART 33—SPORT FISHING

The following special regulation is issued and is effective April 8, 1976.

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota, is permitted in certain refuge waters. These open areas, comprising about 4 miles of shoreline, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for summer sport fishing on the refuge extends from May 1, 1976 to September 30, 1976.

(2) Bank fishing only is allowed.

(3) Fishing is allowed only during daylight hours.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1976.

JAMES W. MATTHEWS,
Refuge Manager.
Arrowwood National Wildlife Refuge.

APRIL 2, 1976.

[FR Doc.76-10106 Filed 4-7-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15539; Amdt. 39-2572]

PART 39—AIRWORTHINESS DIRECTIVES

Alexander Schleicher ASW-17 Gliders

There have been reports of ballast water leaking into the fuselage area at both water ballast system exhausts which are located at the bottom of the fuselage on Alexander Schleicher ASW-17 gliders. The condition has resulted in making the glider tail heavy beyond the approved tolerance and could result in loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires installation and inspection of two hose clamps and, pending this installation, the installation of a placard prohibiting use of the water ballast system on Alexander Schleicher ASW-17 gliders.

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

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

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

ALEXANDER SCHLEICHER. Applies to Model ASW-17 gliders, Serial Numbers 17001 through 17043, certificated in all categories.

Compliance is required as indicated.

To prevent water ballast from leaking into the fuselage area which could result in a loss of elevator control, accomplish the following:

(a) Before further flight, install a placard in the vicinity of the water ballast system control to read as follows: "USE OF WATER BALLAST SYSTEM PROHIBITED."

(b) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, comply with the following:

(1) Install a standard 25 mm (1 inch) diameter hose clamp on each of the two polyvinylchloride (PVC) hoses to secure the two PVC hoses to the brass tubes that feed the water ballast exhausts which are located at the bottom of the fuselage behind the landing gear.

(2) Inspect for clamp security by exerting a 10 pound pull on each PVC hose after securing clamps.

(3) Install new clamps in place of those clamps which come loose following the inspection required by paragraph (b)(2) of this AD and inspect the replacement clamps in accordance with paragraph (b)(2) of this AD.

(c) Upon compliance with paragraph (b) of this AD, the placard required by paragraph (a) of this AD may be removed.

This amendment becomes effective April 22, 1976.

Issued in Washington, D.C. on March 30, 1976.

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

[FR Doc.76-9938 Filed 4-7-76;8:45 am]

[Docket No. 76-CE-14-AD; Amdt. 39-2568]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 421C Airplanes

An Airworthiness Directive (AD) was adopted on March 5, 1976, and made effective immediately by air mail letter to all known owners of certain serial numbers of Cessna Model 421C airplanes. This AD was issued because P/N S1129-3-0304 hose assemblies may be routed dangerously close to the exhaust system in the right hand engine nacelle which could cause heat damage and accelerated deterioration of the hose assemblies. Deterioration and failure of the hose assemblies will result in the release of gasoline in the proximity of the exhaust system and can result in a fire in the engine nacelle. In order to prevent this condition, the Directive requires a visual inspection of the hose assembly for deterioration and heat damage and replacement thereof where necessary with a new hose assembly routed to give adequate clearance. It also requires replacement of the hose assembly with a steel line not subject to heat damage and deterioration, which when accomplished obviates the requirement for the visual inspection.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of certain serial numbers of Cessna Model 421C airplanes. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

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

CESSNA. Applies to Model 421C (Serial Numbers 421C0003 thru 421C0052 (except 421C0008, 421C0017, 421C0019, 421C0026, 421C0039, 421C0045, 421C0046 and 421C0048) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent leakage of fuel and an engine nacelle fire:

(A) Prior to the next and each subsequent flight, accomplish the following:

1. Visually inspect the P/N S1129-03-0304 hose assembly located in the right hand engine nacelle (see Item No. 63 in the 1976 Cessna Model 421C Parts Catalog, Pages 7-10, Fig. 1) in the area where this hose assembly routes under the exhaust manifold near the waste gate "Y".

2. Should whitening or general deterioration of the fire sleeve around the hose be noted, remove the sleeve and visually inspect the hose for hardening, cracks, seepage, etc. If any of these conditions are noted, replace this hose with a new hose routed so that a minimum of four inches between any exhaust system surface and the hose is maintained. If the hose is satisfactory, install a new fire sleeve or reinstall the existing fire sleeve so that the whitened or deteriorated area of the sleeve is not in the original location on the hose. Except for those aircraft utilized in air carrier service, the inspection of the fire sleeve for whitening or deterioration may be accomplished by a holder of a pilot's certificate issued under Part 61 of the Federal Aviation Regulations on any aircraft owned or operated by him. If the whitened or deteriorated condition is noted, the inspection of the hose and the correction of any unsatisfactory conditions found must be accomplished by a certificated powerplant mechanic.

3. An equivalent hose assembly may be field fabricated and installed if a factory hose is unavailable.

(B) Within 25 hours' time in service after the effective date of this AD, replace the original P/N S1129-3-0304 hose assembly or any hose assembly installed per the above, with Cessna P/N 5100109-56 steel line as specified in Cessna Service Kit SK421-69.

(C) When Paragraph B has been accomplished, Paragraph A is no longer applicable.

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

This amendment becomes effective April 12, 1976, to all persons except those to whom it was made effective earlier by air mail letter issued March 5, 1976.

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

Issued in Kansas City, Missouri, on March 29, 1976.

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

[FR Doc.76-9937 Filed 4-7-76;8:45 am]

[Docket No. 76-CE-15-AD; Amdt. 39-2570]

PART 39—AIRWORTHINESS DIRECTIVES

Collins Model 332C-10 Radio Magnetic Indicator

There has been an incident in which a malfunction occurred during flight in a system involving a Collins Models 332C-10 Radio Magnetic Indicator (RMI) and a Collins VIR-30A navigation receiver. Specifically, this malfunction prevented the navigation receiver warning flag from operating even though erroneous VOR bearing information was being provided to the pilot. This condition resulted when 26 VAC power was lost and a sneak oscillator circuit through the RMI and the navigation receiver created a spurious power signal. Investigation has disclosed that this malfunction can occur only when the RMI is operated in the "VOR" mode. Proper indications are obtained when the unit is operated in the "ADF" mode. To correct this condition the manufacturer has issued a Service Bulletin which modifies the magnetic indicator to assure that the required warning will be provided when 26 VAC power is lost. Since the condition described herein is likely to exist or develop in other products of the same type design, an Airworthiness Directive (AD) is being issued, applicable to Collins Model 332C-10 Radio Magnetic Indicators installed on various aircraft makes and models equipped with 24 V electrical systems, making compliance with the Service Bulletin mandatory on or before January 1, 1977. Until the modification has been accomplished the AD requires the installation of a placard on the glass face of the magnetic indicator which will prohibit the indicator from being operation in the "VOR" mode.

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

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

Applies to Collins Model 332C-10 Radio Magnetic Indicator (part numbers and serial numbers listed below) installed on various aircraft makes and models equipped with 24 V electrical systems:

Collins Part No.	*Serial No.*
622-0555-001	729 and below
622-0555-002	963 and below
622-0555-003	3593 and below, 3595 thru 3600, 3602 thru 3611, 3613 thru 3628
622-0555-004	3693 and below, 3695 thru 3706
622-0555-005	3252 and below
622-0555-006	4156 and below
622-0555-007	3208 and below, 3210 thru 3231, 3233 thru 3239
622-0555-008	2805 and below

Compliance: Required as indicated, unless already accomplished.

To preclude possible erroneous VOR bearing information presentation, with no flag warning, when 26 VAC input power is lost, accomplish the following:

(A) Within 50 hours' time in service after the effective date of this AD, determine if the 332C-10 Radio Magnetic Indicator(s) is (are) installed, and if so, whether modified in accordance with Collins 332C-10 Radio Magnetic Indicator (622-0555-XXX) Service Bulletin No. 6, dated February 16, 1976, or later approved revision. On those units not modified in accordance with Service Bulletin No. 6, prior to further flight, install a placard on glass face of the magnetic indicator which reads: "USE ADF MODE ONLY" and operate the unit in accordance with this limitation.

NOTE: Indicators which have been modified in accordance with Service Bulletin No. 6 will have the No. 6 removed from the modification plate attached to the unit.

(B) On or before January 1, 1977, modify the 332C-10 indicator(s) in accordance with Collins 332C-10 Radio Magnetic Indicator (622-0555-XXX) Service Bulletin No. 6, dated February 16, 1976, or later approved revisions.

(C) When Paragraph B has been accomplished, compliance with Paragraph A is no longer required.

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

This amendment becomes effeetive April 19, 1976.

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

Issued in Kansas City, Missouri, on March 29, 1976.

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

[FR Doc.76-9936 Filed 4-7-76;8:45 am]

[Docket No. 76-SO-25; Amdt. 39-2566]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aviation Corporation Models G-159 and G-1159

Amendment 39-2542 (41 F.R. 10877), AD 76-05-08, prohibits jump seat occupancy during taxi, takeoff and landing on Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes. After issuing Amendment 39-2542, additional information has been received which permits withdrawal of this original action. The agency has since learned that in a number of landing/taxi accidents/incidents there were ten recorded occurrences of nose landing gear drag strut penetration of a critical area of the fuselage. All but three penetrations occurred during winter weather conditions. The jump seat was only occupied in one of the ten recorded instances and in that one occurrence the occupant was not injured. The manufacturer is proceeding with modification to preclude nose gear drag strut penetration of a critical fuselage area.

Therefore the agency is rescinding Amendment 39-2542, and concurrent herewith will propose a new amendment to Part 39. Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

§ 39.13 [Amended]

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding Amendment 39-2542 (41 F.R. 10877), AD 76-05-08.

This amendment becomes effective immediately upon receipt.

Issued in East Point, Georgia on March 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-9934 Filed 4-7-76;8:45 am]

[Docket No. 15540; Amdt. 39-2573]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA341G "Gazelle" Helicopters

Amendment 39-1629 (39 FR 9660), AD 73-9-5, requires the periodic replacement at 100 hour intervals of the shackle and pin on the A-frame forward of the main gear box and the immediate replacement of those forward A-frame shackles and pins with 100 hours or more time in service on Societe Nationale Industrielle Aerospatiale Model SA341G "Gazelle" Helicopters to prevent possible inflight failure of the main rotor gear box (MGB) attachment. After issuing Amendment 39-1629, the Federal Aviation Administration determined on the basis of the additional information and data that upon the incorporation of certain modifications, the replacement of the pins and shackles at 100 hour intervals is not necessary. The data also indicates that stress levels on the shackles requires their replacement at intervals of 3000 hours, to prevent failure of the shackle which could result in the inflight failure of the main gear box attachment. Therefore, the AD is being superseded by a new AD that requires the incorporation of certain modifications and establishes a replacement interval for shackles on Model SA341G "Gazelle" helicopters.

Since this amendment, in part, relieves a restriction and, in part, reflects a situation that requires the immediate adoption of this regulation, notice and public procedure hereon are unnecessary and impracticable and good cause exists for making this amendment effective in less than 30 days.

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

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA341G helicopters, certificated in all categories.

Compliance is required as indicated.

To prevent possible inflight failure of main gear box (MGB) attachment, accomplish the following:

(a) Within the next 200 hours time in service after the effective date of this AD, unless already accomplished, remove, inspect, reinstall or rectify as prescribed, and reidentify the following components in accordance with the applicable provisions of the "Description" paragraph 1C of Gazelle Service Bulletin No. 01.02, as amended October 31, 1973, or an FAA-approved equivalent:

(1) MGB forward and rear "A" frames, P/N 341A.38.1019 .00, .02 and .04, and P/N 341A.38.1016.00, .02 and .04, respectively.

(2) MGB forward and rear shackles, P/N 341A.38.1017.00 and .01, and P/N 341A.38.1079.00 and .01, respectively, and associated pins, P/N 341A.31.4169.20 and .21.

(b) Within the next 3000 hours time in service after the accomplishment of paragraph (a) of this AD or within the next 3000 hours time in service after the accomplishment of the "Description" paragraph 1C of Gazelle Service Bulletin No. 01.02, as amended October 31, 1973, whichever occurs sooner, and thereafter at intervals not to exceed 3000 hours time in service from time of replacement, replace the MGB forward and rear shackles, P/N's 341A.38.1017.00 and .01 and P/N's 341A.38.1079.00 and .01, respectively, with new shackles of the same part number.

This supersedes Amendment 39-1629 (39 FR 9660), AD 73-9-5.

This amendment becomes effective April 22, 1976.

Issued in Washington, D.C. on March 30, 1976.

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

[FR Doc.76-9939 Filed 4-7-76;8:45 am]

[Airspace Docket No. 76-SO-6]

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

Designation of Transition Area

On February 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 6270), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sparta, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

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

In § 71.181 (41 FR 440), the following transition area is added:

SPARTA, TENNESSEE

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Sparta-White County Airport (Lat. 36°03'30" N., Long. 85°31'43" W.); excluding the portions that coincide with the McMinnville, Tenn., and Cookeville, Tenn., transition area.

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

Issued in East Point, Ga., on March 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-9913 Filed 4-7-76;8:45 am]

[Airspace Docket No. 76-SO-2]

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

Designation of Transition Area

On February 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 6270), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mackall AAF, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

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

In § 71.181 (41 FR 440), the following transition area is added:

MACKALL AAF, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mackall AAF (latitude 35°02'13" N., longitude 79°29'54" W.); excluding that portions that coincides with the Southern Pines, N.C., transition area.

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

Issued in East Point, Ga., on March 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-9912 Filed 4-7-76;8:45 am]

[Airspace Docket No. 76-SO-7]

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

Designation of Transition Area

On February 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 6270), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bolivar, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

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

In § 71.181 (41 FR 440), the following transition area is added:

BOLIVAR, TENN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Bolivar-Hardeman County Airport (Lat. 35°13'00" N., Long. 89°03'00" W.); within 3 miles each side of the 192° bearing

from the Hardeman RBN (Lat. 35°12'47" N., Long. 89°02'33" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

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

Issued in East Point, Ga., on March 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-9911 Filed 4-7-76;8:45 am]

[Docket No. 14687; Amdt. No. 93-33]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Ketchikan International Airport Traffic Rule

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to establish a new Subpart M prescribing special air traffic rules for the Ketchikan, Alaska, International Airport.

This amendment is based on a notice of proposed rule making (Notice No. 75-27) issued on June 4, 1975, and published in the FEDERAL REGISTER on June 12, 1975 (40 FR 25028). Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Three public comments were received in response to the notice. Two commenters acknowledged the existence of the air traffic problem described in the notice and that the proposed rule would be an improvement, but asserted that only an air traffic control tower facility would be able to provide the amount of air traffic control service that the situation requires. After reviewing the possible need for a control tower at the Ketchikan International Airport, the FAA believes this regulation will achieve an acceptable level of safety, and that a control tower is not necessary for safe operation at that airport at this time.

One commenter objected to the proposed rule stating (1) that large and turbine powered airplanes can and do maneuver in open areas adjacent to Tongass Narrows to line up with the runway at Ketchikan; (2) that consequently they can maneuver for traffic avoidance within the confined airspace of the Narrows, and the need to go around would seldom occur; (3) that although most aircraft in the local area have two-way radio communications capability, the state of the art, local weather, and water conditions make radio communications intermittent and nonfunctional to the extent that a rule requiring a two-way radio communications capability is unjustified; and (4) that advantage can be taken of the rule beyond the scope of its intended use (presumably, by approaching aircraft announcing unnecessarily early that they are on final approach). Contrary to the first two assertions, safety can be derogated when an aircraft is forced to maneuver in confined airspace or close to the ground. A detailed study indicates that a problem does exist, and that this amendment would provide an acceptable level of safety. The assertion that localw eather and water conditions make radio communications intermittent and nonfunctional is no more applicable to Ketchikan than to many other locations where two-way radio capability is now required. However, the possibility of two-way radio communications failure exists, and the rule, as herein adopted, provides for this eventuality.

With respect to the expressed concern that approaching aircraft may announce that they are on final approach unnecessarily early, as envisioned by the commenter, the FAA will determine what actions would be appropriate to remedy that situation if it should prove to be a problem.

The proposed rule was presented to the Ketchikan aviation community in an informal airspace meeting on January 23, 1974, and the comments received at that meeting were favorable to its adoption.

Finally, an editorial change is made to delete surplus material. Paragraphs (c), (d), and (e) of § 93.1 merely enumerate the contents of subparts of Part 93. It is unnecessary to repeat the scope of the subparts in § 93.1. Paragraphs (c), (d), and (e) are, therefore, deleted. No substantive change results.

In consideration of the foregoing, Part 93 is amended, effective May 7, 1976, as follows:

§ 93.1 [Amended]

1. Section 93.1 is amended by deleting paragraphs (c), (d), and (e) thereof.

2. A new Subpart M is added to read as follows:

Subpart M—Ketchikan International Airport Traffic Rule

Sec.
93.151 Applicability.
93.153 Communications.
93.155 Aircraft operations.

AUTHORITY: (Secs. 307 and 313(a) of the Federal Aviation Act of 1958, 49 U.S.C. §§ 1348 and 1354(a); Sec. 6(c) of the Department of Transportation Act, 49 U.S.C. § 1655(c)).

Subpart M—Ketchikan International Airport Traffic Rule

§ 93.151 Applicability.

This subpart prescribes special air traffic rules and communication requirements for persons operating aircraft, under VFR, in the airspace below 3,000 feet MSL within the perimeter defined for the Ketchikan Control Zone (regardless of whether that control zone is in effect), excluding that airspace below 600 feet MSL and—

(a) More than three miles from the nearest point on Ketchikan International Airport;

(b) East of a line through the center of Pennock Island, extending to the end of the ferry slip at Ketchikan International Airport, thence through Channel Island; or

(c) West of a line extending from Gravina Point to Vallenar Point.

§ 93.153 Communications.

When the Ketchikan Flight Service Station is in operation, no person may operate an aircraft within the airspace specified in § 93.151, or taxi onto the runway at Ketchikan International Airport, until he has established two-way radio communications with the Ketchikan Flight Service Station and has received a traffic advisory. However, if two-way radio communications failure occurs in flight, he may operate that aircraft within the airspace specified in § 93.151, and land, if weather conditions are at or above basic VFR weather minimums.

§ 93.155 Aircraft operation.

(a) When an advisory is received from the Ketchikan Flight Service Station stating that an aircraft is on final approach to the Ketchikan International Airport, no person may taxi onto the runway of that airport until the approaching aircraft has landed and has cleared the runway.

(b) Unless otherwise authorized by ATC, each person operating a large airplane or a turbine engine powered airplane shall—

(1) When approaching to land at the Ketchikan International Airport, maintain an altitude of at least 900 feet MSL until within three miles of the airport; and

(2) After takeoff from the Ketchikan International Airport, maintain runway heading until reaching an altitude of 900 feet MSL.

Issued in Washington, D.C., on March 26, 1976.

JAMES E. DOW,
Acting Administrator.

[FR Doc.76-9935 Filed 4-7-76;8:45 am]

[Docket No. 14777; Amdt. No. 93-34]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Subpart I—Locations at Which Special VFR Weather Minimums Do Not Apply

RESTORATION OF SPECIAL VFR AT OAKLAND, CALIFORNIA

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to amend § 93.113 to allow special VFR operations in the Oakland, California, control zone.

This amendment is based upon a notice of proposed rule making (Notice No. 75-30) issued on June 30, 1975, and published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28629). Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Section 91.113 prohibits the operation of fixed-wing aircraft within certain designated control zones, including Oakland, under the special VFR weather minimums prescribed in § 91.107. As stated in the notice, a review of operations in the Oakland control zone indicated that the continued prohibition of special VFR at that location appeared to

be unwarranted. The configuration of the airport runways and the presence of two control towers permit a natural geographic division between IFR and VFR operations using separate portions of the airport. Additionally, there has been a reduction in the volume of air carrier and other traffic using the Oakland control zone, so that the two control towers have the capability of handling any increase in traffic that may result from eliminating the prohibition of special VFR at Oakland.

Comments were received from industry representatives, general aviation users, pilot organizations, business concerns, and an aeronautical consultant. One commenter, assuming the absence of a precise plan of operation, suggested that a decision in the matter should be deferred for 180 days during which time ATC and certain airspace users could continuously monitor the weather and air traffic conditions in the areas affected by the proposed action, and prepare a specific and precise plan of operation comprising contingency provision to avoid interference between IFR and special VFR traffic. ATC provides separation conflicts that may arise from particular local conditions. Contrary to the assumption of the commenter, the FAA does have an orderly method of handling specila VFR traffic. ATC provides separation between special VFR aircraft, and between IFR and special VFR aircraft. If it should appear that safe separation cannot be provided to special VFR traffic without interfering with IFR traffic or otherwise affecting the safety of other operations, special VFR clearances will not be issued. The FAA believes that present procedures for handling special VFR traffic are adequate and that a further evaluation of weather and traffic conditions at Oakland is unnecessary. Special VFR flights are now conducted in the vast majority of control zones without derogation of safety. Consideration of that broad issue does not appear to be needed in connection with this action.

The FAA believes that a continuation of the current prohibition against the use of special VFR is an unnecessary burden on the users of Metropolitan Oakland International Airport. Accordingly, Oakland, Calif., is deleted from the listing of control zones in § 93.113, thereby allowing the special VFR weather minimums of § 91.107 to be applied to appropriate operations in that control zone.

AUTHORITY: Sections 307(c), and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(c), 1354(a)); and Section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).

§ 93.113 [Amended]

In consideration of the foregoing, § 93.113 of Part 93 of the Federal Aviation Regulations is amended, effective May 10, 1976, by deleting the words "25. Oakland, Calif. (Metropolitan Oakland International Airport)" and by inserting the words "[25. Reserved.]" in place thereof.

Issued in Washington, D.C., on March 31, 1976.

JOHN MCLUCAS,
Administrator.

[FR Doc.76-10033 Filed 4-7-76;8:45 am]

[Docket No. 15538; Amdt. No. 1015]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

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

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

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

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

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SAIPs, *effective May 20, 1976.*

Galena, AK—Galena Arpt., VORTAC Rwy 7, Amdt. 4
King Salmon, AK—King Salmon Arpt., VOR Rwy 11 (TAC) Amdt. 10
King Salmon, AK—King Salmon Arpt., VORTAC Rwy 29, Amdt. 7
Montrose, CO—Montrose County Arpt., VOR-1 Rwy 12, Amdt. 5
Montrose, CO—Montrose County Arpt., VOR-2 Rwy 12, Amdt. 4
Cordele, GA—Cordele Arpt., VOR/DME Rwy 22, Amdt. 4
Swainsboro, GA—Emanuel County Arpt., VOR-A, Amdt. 2
Frankfort, KY—Capital City Arpt., VOR Rwy 6, Amdt. 3
Frankfort, KY—Capital City Arpt., VOR Rwy 24, Amdt. 3
St. Charles, MO—St. Charles Arpt., VOR-B, Amdt. 1
Teterboro, NJ—Teterboro Arpt., VOR Rwy 24, Amdt. 1
Teterboro, NJ—Teterboro Arpt., VOR-B, Original
Tullahoma, TN—William Northern Field, VOR Rwy 32, Amdt. 3

* * * *effective April 22, 1976*

Algona, IA—Algona Muni. Arpt., VORTAC-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 20, 1976.*

Ft. Lauderdale, FL—Ft. Lauderdale Executive Arpt., SDF Rwy 8, Amdt. 3
Harlingen, TX—Harlingen Industrial Airpark, LOC (BC) Rwy 35L, Amdt. 2

* * * *effective April 22, 1976*

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC Rwy 9L, Amdt. 1, cancelled

* * * *effective April 15, 1976*

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., LOC (BC) Rwy 26, Amdt. 2

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 20, 1976.*

King Salmon, AK—King Salmon Arpt., NDB Rwy 11, Amdt. 1
Ft. Lauderdale, FL—Ft. Lauderdale Executive Arpt., NDB Rwy 8, Amdt. 1
Frankfort, KY—Capital City Arpt., NDB Rwy 24, Amdt. 4
Boonville, MO—Jesse Viertel Memorial Arpt., NDB Rwy 18, Amdt. 1
Point Lookout/Branson, MO—The School of the Ozarks Arpt., NDB Rwy 29, Amdt. 1
Harlingen, TX—Harlingen Industrial Airpark, NDB Rwy 17R, Amdt. 6

* * * *effective May 13, 1976*

Topeka, KS—Forbes Field, NDB Rwy 31, Original

* * * *effective April 22, 1976*

Algona, IA—Algona Muni. Arpt., NDB Rwy 12, Original
Madison, MS—Bruce Campbell Field, NDB Rwy 17, Original

* * * *effective March 30, 1976*

Fairfield, IA—Fairfield Muni. Arpt., NDB Rwy 35, Amdt. 3

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 20, 1976.*

King Salmon, AK—King Salmon Arpt., ILS Rwy 11, Amdt. 13
Yakutat, AK—Yakutat Arpt., ILS Rwy 11, Amdt. 2
Covington, KY—Greater Cincinnati Arpt., ILS Rwy 9R, Amdt. 6
New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 4R, Amdt. 21
Harlingen, TX—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 4

* * * *effective May 13, 1976*

Topeka, KS—Forbes Field, ILS Rwy 31, Original

* * * *effective April 22, 1976*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 9L, Original

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 22, 1976.*

Houston, TX—Collier Arpt., RADAR-B, Original, cancelled

* * * *effective April 15, 1976*

Cedar Rapids, IA—Cedar Rapids Municipal, RADAR-1, Amdt. 1

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 20, 1976.*

Montgomery, AL—Dannelly Field, RNAV Rwy 3, Amdt. 2
Cordele, GA—Cordele Arpt., RNAV Rwy 9, Original

* * * *effective April 15, 1976*

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., RNAV Rwy 13, Amdt. 2

* * * *effective March 29, 1976*

Wetumpka, AL—Wetumpka Muni. Arpt., RNAV Rwy 27, Amdt. 1

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

Issued in Washington, D.C., on April 1, 1976.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-10032 Filed 4-7-76;8:45 am]

[Docket No. 75-EA-94; Amdt. 39-2574]

PART 39—AIRWORTHINESS DIRECTIVES

United Aircraft of Canada

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to amend, revise, and redesignate AD 75-06-01, applicable to United Aircraft of Canada type PT6 aircraft engines.

AD 75-06-01 requires a main oil inspection for certain unmodified PT6A engines. Due to continuing stress in the first-stage planetary pinion bearing and a more recent service experience with the loosening and backing out of the second-stage planetary pinion bolts, it has been determined that a more frequent main oil screen inspection and the installation of an improved power turbine containment ring together with the alteration of power turbine blades be required.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) section 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 75-06-01 as follows:

UNITED AIRCRAFT OF CANADA LIMITED AND PRATT & WHITNEY AIRCRAFT: Applies to all PT6A-6, -6A, -6B, -6/C20, -20, -20A, -20B, -27, -28, and -34 series turboprop engines.

Compliance required as indicated unless previously accomplished.

To ensure the early detection of reduction gearbox deterioration which could result in an engine failure and provide for improved blade containment accomplish the following:

(a) Within the next 50 hours in service after effective date of this A.D., unless previously accomplished, remove the main engine oil filter element and visually inspect the element for magnetic and non-magnetic metal particles.

(1) If the inspection reveals less than 40 non-magnetic metal and no magnetic metal particles, clean oil filter and reinspect after every 50 hours in service.

(2) (i) If the inspection reveals more than 40 non-magnetic metal particles, clean oil filter and reinspect after 10 hours in service.

(ii) If the reinspection, in accordance with paragraph (a) (2) (i) reveals less than 40 non-magnetic metal particles, clean oil filter and reinspect after every 50 hours in service thereafter.

(iii) If the reinspection, in accordance with paragraph (a) (2) (i) reveals more than 40 non-magnetic metal particles, clean oil filter and reinspect after 10 hours in service.

(iv) If the reinspection, in accordance with paragraph (a) (2) (iii) reveals more than 40 non-magnetic metal particles, the engine must be removed from service for an overhaul inspection.

(v) If the reinspection in accordance with paragraph (a) (2) (iii) reveals less than 40 non-magnetic metal particles, clean oil filter and reinspect after every 50 hours in service thereafter.

(3) (i) If the inspection reveals less than 40 magnetic metal particles clean oil filter and reinspect after 10 hours in service.

(ii) If the reinspection in accordance with paragraph (a) (3) (i) reveals the presence of similar quantity of magnetic metal particles, the engine must be removed from service for an overhaul inspection.

(iii) If the reinspection in accordance with paragraph (a) (3) (i) reveals the presence of lesser quantity of magnetic metal particles clean oil filter and reinspect every 50 hours time in service thereafter.

(4) (i) The inspection reveals more than 40 magnetic metal particles, clean oil filter, drain and change oil, perform a ground run for one hour and reinspect oil filter. If the inspection after one hour ground run reveals more than 40 magnetic metal particles, the engine must be removed from service for an overhaul inspection.

(ii) If the inspection after one hour ground run reveals less than 40 magnetic metal particles, clean oil filter and reinspect after 10 hours in service.

(iii) If the reinspection after 10 hours in service reveals a similar quantity of magnetic metal particles, the engine must be removed from service for an overhaul inspection.

(iv) If the reinspection after 10 hours in service reveals a lesser quantity of magnetic metal particles, clean oil filter and reinspect every 50 hours in service thereafter.

(b) For the PT6A-6, -6A, -6B, -6/C20, -20, -20A, -20B, -27, -28, and 34 engines, within the next 8000 hours in service after the effective date of the A.D., alter part number 3010548, power turbine shaft housing assembly in accordance with paragraph 2, accomplishment instructions in United Aircraft of Canada Limited Engine Service Bulletin No. 1138 or approved equivalent, or replace said assembly with any other power turbine shaft housing assembly listed as eligible in the engine parts catalog.

(c) For the PT6A-6, -6A, -6B, -6/C20, -20, -20A, and -20B engines within the next 4000 hours in service after the effective date of this A.D. alter all the power turbine blades in accordance with paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada Limited Engine Service Bulletin No. 1233, or approved equivalent alteration.

(d) For the PT6A-27, -28, and -34 engines, within the next 8000 hours in service after the effective date of this A.D. install the improved power turbine containment ring in accordance with paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada Limited Engine Service Bulletin No. 1220 or approved equivalent alterations and modified combustion chamber liner and related parts in accordance with paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada Limited Engine Service Bulletin No. 1216, or approved equivalent alterations.

(e) For the PT6A-20, -20A, and -20B, -6/C20 engines within the next 8000 hours in service after the effective date of this A.D. install the improved power turbine containment ring in accordance with paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada Limited Engine Service Bulletin No. 1246 or approved equivalent alterations and modified combustion chamber liner and related parts in accordance with paragraph 2, accomplishment instructions in Pratt & Whitney Aircraft of Canada Limited Engine Service Bulletin No. 1245 or approved equivalent alterations.

The main oil screen inspection requirements of this A.D. are no longer required when the engines have been modified as required by paragraph (b), (c), (d), or (e) as applicable.

Aircraft may be flown to a base for performance of maintenance required by this A.D. per FAR 21.197 or FAR 21.199.

Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection times specified in this Airworthiness Directive. All equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch of the Eastern Region of the FAA.

This amendment is effective April 14, 1976.

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

Issued in Jamaica, N.Y., on March 26, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-10386 Filed 4-7-76;8:45 am]

[Docket No. 76-EA-11; Amdt. 39-2575]

PART 39—AIRWORTHINESS DIRECTIVES

Bendix Ignition Switches

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Bendix Ignition Switches.

There have been reports that some of the subject switches have developed a deficiency whereby the switch while in the "Off" position still permits an ungrounded or hot magneto which would permit inadvertent activation of the engine upon turning the propeller.

Since this deficiency can exist or develop in switches of similar design, an airworthiness directive is being issued which will require a check and alteration where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive, as follows:

BENDIX IGNITION SWITCHES: Applies to all types and part numbers as listed in the below table:

Bendix switches, switch function:	*Rotary action, key or lever actuated, Bendix (series) part numbers*
Twist-to-start	10-357XXX, 10-126XXX
Twist-to-start/push-to-prime	10-357XXX, 10-126XXX
Push-to-start	10-357XXX, 10-126XXX, 10-157XXX

Compliance required as indicated:

To detect and prevent a hazardous situation created by the switches, accomplish the following:

(a) Prior to the next flight accomplish the following check for detection of a faulty switch.

(1) Observing regular ground run-up procedures, allow the engine to reach operating temperatures and perform a normal magneto check.

(2) With the engine at normal idle rotate the switch key or lever through the "Off" detent to the extreme limit of its travel in the "Off" position direction.

(3) If the engine stops firing, indicating a normal switch, make a log book entry that check has been made.

(4) When the switch or lever is released from its manually held position at the extreme limit of its "Off" travel, it should automatically return to the normal "Off" position. If switch does not return to "Off" and engine continues to run, comply with paragraph (c).

(5) If the engine continues to run with the switch manually held in the extreme limit of its travel in the "Off" position, but stops when the switch springs back to "Off", comply with paragraph (d).

(b) The aircraft may be flown in accordance with FAR 21.197 to a place where paragraph (c) can be accomplished.

(c) Prior to the next flight, accomplish Part III outlined in Bendix Service Bulletin No. 583, dated April 1976, for Repair and Replacement or use an alternate method approved by Chief, Engineering and Manufacturing Branch, Eastern Region.

(d) Within the next 50 hours in service after the effective date of the AD, accomplish Part III outlined in Bendix Service Bulletin No. 583, dated April 1976, for Repair and Replacement.

(e) The checks required by this AD may be performed by the pilot.

(f) Upon submission by an operator with substantiating data an FAA Maintenance Inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region may adjust the compliance times specified in this AD if the request contains substantiating data to justify the increase for the operator.

NOTE: If the engine continues to run and repair cannot be accomplished immediately, the magneto should be grounded in accordance with Bendix Service Bulletin No. 583, dated April 1976. This note refers to the condition described in paragraph (a)(4) above.

This amendment is effective April 14, 1976.

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

Issued in Jamaica, N.Y., on April 1, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-10387 Filed 4-7-76;8:45 am]

[Docket No. 76-NW-4-AD; Amdt. 39-2576]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Airplanes

Amendment 39-1456 (37 FR 11235), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248), Amendment 39-2353 (40 FR 37207), and Amendment 39-2410 (40 FR 50706), requires inspections of the P/N 65-23366 main landing gear downlock torque shafts on Boeing Model 727 series airplanes. Terminating action consists of installation of improved shafts, P/N's 65-78698-1, -5, -7, or -2, -6, -8, which are covered by Boeing Service Bulletin No. 32-180. Subsequent to the issuance of Amendment 39-2410, further configurations of P/N 65-78698 were made available through Boeing Service Bulletin No. 727-32-237 together with other main landing gear components. Since these additional configurations also provide a level of safety adequate to constitute terminating action, the AD is being amended to include them. Other editorial changes are also included in this amendment.

Since this amendment provides an alternate means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-13697 (37 FR 11235), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248), Amendment 39-2353 (40 FR 37207), and Amendment 39-2410 (40 FR 50706) is amended as follows:

1. By striking out the words "Boeing Service Bulletin 32-180, Revision 1, dated 23 May 1972" from the applicability statement and inserting the words "Boeing Service Bulletin No. 32-180, Revision 1, or later FAA approved revisions" in place thereof.

2. By striking out the words "Boeing Service Bulletin 32-180, Revision 1, dated 23 May 1972" from paragraph (b) and inserting the words "Boeing Service Bulletin No. 32-180, Revision 1" in place thereof.

3. By amending the second sentence of paragraph (b) to read: "If evidence of a crack is found, replace the shaft prior to further flight with an improved shaft P/N 65-78698 in accordance with Boeing Service Bulletin Nos. 32-180, Revision 1, or 727-32-237, or later FAA approved revisions, or with a shaft that (1) has accumulated less than 8,000 landing cycles, or (2) has been previously inspected per this AD."

4. By striking out the words "Boeing Service Bulletin 32-180, Revision 1, dated 23 May 1972" from paragraph (c) and inserting the words "Boeing Service Bulletin Nos. 32-180, Revision 1, or 727-32-237," in place thereof.

5. By amending paragraph (e) to read as follows: "Installations of main landing gear downlock torque shafts, P/N 65-78698, in accordance with Boeing Service Bulletin Nos. 32-180, Revision 1, or 727-32-237, or later FAA approved revisions, or an equivalent installation approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action from the provisions of this AD."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 3, 1976.

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

Issued in Seattle, Washington, April 1, 1976.

C. B. WALK,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-10389 Filed 4-7-76;8:45 am]

[Docket No. 15547; Amdt. 39-2578]

PART 39—AIRWORTHINESS DIRECTIVES

Aeronautica Macchi Model AL-60 and AL-60B Airplanes

There have been reports of cracks occurring in the engine mounting plates on Aeronautica Macchi Models AL-60 and AL-60B airplanes that could result in failure of the engine mount. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires periodic inspections and reinforcement of the engine mounting plates, and replacement of the mounting plate shims with new shims on Aeronautica Macchi Models AL-60 and AL-60B airplanes.

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

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

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

AERONAUTICA MACCHI. Applies to Models AL-60 and AL-60B airplanes, certificated in all categories.

Compliance is required as indicated.

To detect cracks in the engine mounting plates and to prevent possible failure of the engine mount, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 50 hours time in service from the last inspection until modified in accordance with paragraph (d) of this AD, comply with the following:

(1) Inspect the areas around the periphery of each of the four engine mounting plates for cracks using a dye-penetrant method.

(2) Inspect the surfaces inside the concavity of each of the four engine mounting plates, where the lower shock mounts and attaching bolts are inserted, for cracks, using a dye penetrant method, in accordance with Aeronautica Macchi Mandatory Service Bulletin SB-L-0003, dated October 29, 1974, or an FAA-approved equivalent.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, comply with paragraph (d) of this AD.

(c) If no cracks are found during any of the inspections required by paragraph (a) of this AD, within the next 100 hours time in service after the effective date of this AD, or before the accumulation of 1200 hours total airplane time in service, whichever occurs later, comply with paragraph (d) of this AD.

(d) Modify each of the four engine mounting plates by adding a reinforcement plate, P/N 6070-47, and replacing the mounting plate shim, P/N 6005, with a new designed shim, P/N 6005A, in accordance with Aeronautica Macchi Mandatory Modification Bulletin, MB-L-0001, Change 1, dated March 5, 1975, or an FAA-approved equivalent.

This amendment becomes effective April 26, 1976.

Issued in Washington, D.C. on April 2, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-10390 Filed 4-7-76;8:45 am]

[Docket No. 15548; Amdt. 39-2579]

PART 39—AIRWORTHINESS DIRECTIVES

Hamburger Flugzeugbau, GmbH HFB-320 Airplanes

There have been reports of incorrect adjustment of camlocks on the passenger door of HFB-320 airplanes that could result in cracking of the camlock housing, possible inadvertent opening of the door, and inflight explosive decompression. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires an inspection for the correct adjustment of the camlocks and for cracks in the camlock housings on certain HFB-320 airplanes.

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

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

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

HAMBURGER FLUGZEUGBAU, GmbH. Applies to Model HFB-320 airplanes, S/N 1021 thru 1023, 1026 thru 1028, 1030 thru 1040, 1045, and 1049 thru 1057, certificated in all categories.

Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To detect possible incorrect adjustment of camlocks that could result in cracking of the camlock housing, possible inadvertent opening of the door, and inflight explosive decompression, accomplish the following:

(a) Inspect the camlocks for correct adjustment in accordance with the accomplishment instructions contained in section B, Part 1, of HFB Hansa Alert Service Bulletin 53-21A, dated October 13, 1975, as revised January 20, 1976, or an FAA-approved equivalent.

(b) If a camlock is found out of adjustment beyond the tolerances specified in HFB Hansa Alert Service Bulletin 53-21A, dated October 13, 1975, as revised January 20, 1976, or an FAA-approved equivalent, rectify the camlock adjustment in accordance with the accomplishment instructions contained in section B, Part 2, of service bulletin 53-21A, dated October 13, 1975, as revised January 20, 1976, or an FAA-approved equivalent.

(c) Inspect the door frame camlock housings, which house the camlocks for which adjustment is required in accordance with paragraph (b) of this AD, for cracks, using a dye penetrant method in accordance with the instructions contained in section B, Part 3, of HFB Hansa Alert service bulletin 53-21A, dated October 13, 1975, as revised January 20, 1976, or an FAA-approved equivalent.

(d) If any cracks are found in the door frame camlock housing during the inspection required by paragraph (c) of this AD, before further flight, except that the aircraft may be flown unpressurized in accordance with FAR's 21.197 and 21.199 to a base where the replacement can be accomplished, replace the camlock housing with a new part of the same part number.

This amendment becomes effective, April 26, 1976.

Issued in Washington, D.C., on April 2, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-10391 Filed 4-7-76;8:45 am]

[Airspace Docket No. 75-CE-16]

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

Alteration of Federal Airway Segments; Correction

In FR Doc. 76-4234 appearing at page 7088 in the FEDERAL REGISTER of February 17, 1976, paragraph (1.) of § 71.123 appearing on page 7089 is corrected to read as follows:

1. In the eighth line of that paragraph delete the figure "125°" and substitute "137°" therefor.

2. In the ninth line of that paragraph delete the figure "092°" and substitute "104°" therefor.

Issued in Washington, D.C. on April 2, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-10388 Filed 4-7-76;8:45 am]

[Airspace Docket No. 76-WE-4]

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

Alteration of Control Zone

On February 17, 1976, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (41 FR 7117) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chico, California Control Zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following typographical change.

Delete the word "exceeding" and substitute therein "excluding" in the text of the proposed amendment.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

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

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on March 31, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (41 FR 355) the description of the Chico, California control zone is amended as follows:

CHICO, CALIFORNIA

Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.); within 3 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR and within 2 miles each side of the Chico Municipal Airport Runway 13 localizer northwest course extending from the 5-mile radius zone to 6.5 miles northwest of the airport, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, California (latitude 39°43'10" N., longitude 121°52'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.76-10385 Filed 4-7-76;8:45 am]

proposed rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Hearings—Burden of Proof

The Drug Enforcement Administration (DEA), after due consideration, seeks the adoption of proposed regulations relating to the registration of persons as compounders or to conduct narcotic treatment programs, as defined by 21 CFR 1301.02 (i) and (d).

On May 14, 1974, the "Narcotic Addict Treatment Act of 1974" was approved, amending the Controlled Substances Act (CSA) in order to increase the regulation of methadone and other narcotic drugs used in the treatment of narcotic addicts. DEA previously promulgated regulations directed to narcotic treatment programs relating to requirements for registration, physical security, records, order forms and the administering (but not prescribing) of narcotic drugs; 39 FR 37983–86 (October 25, 1974).

It is clear, as demonstrated within the legislative history, that Congress intended "to increase DEA's ability to deal with law enforcement aspects of diversion" arising from narcotic treatment programs. As stated in House Report 93–884, 1974 U.S. Code Cong. & Admin. News, p. 3033:

"In order to qualify for registration the applicant must demonstrate that he can fulfill, and will observe, the medical standards of FDA and the security and diversion standards determined by DEA."

Generally, in the absence of proof that a person is the authorized holder of a registration under the CSA, the statutory burden of going forward with the evidence with respect to such registration is on the applicant for such registration, 21 U.S.C. 885(b). By regulation, this burden has been made applicable only in cases involving application to be registered to manufacture, import or export controlled substances in schedule I or II; 21 CFR § 1301.55(a) and 21 CFR 1311.53 (a). Likewise by regulation, in any other hearing for denial of a registration, the burden of proving that the requirements of the applicable statutory section are not satisfied is assigned to DEA; see 21 CFR § 1301.55(b). After close analysis of the statutory language and expressed Congressional intent, it is now DEA's position that, with reference to the process of granting or denying registration to applicants as compounders or to conduct a narcotic treatment program, the existing regulation concerning burden of proof in a hearing on the denial of such application for registration should be amended in order that it conform to the general statutory requirement. The proposed regulations do so.

It must be emphasized that registration under the CSA shall be obtained annually, 21 U.S.C. 822(a) and 823(g). A registration is not automatically renewable; see 21 CFR §§ 1301.41–1301.48. Every year, an applicant must be prepared to demonstrate continued fitness under the statute and regulations.

Therefore, pursuant to Sections 303(g) and 515(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(g) and 21 U.S.C. 885 (b)) and under the authority vested in the Attorney General by Sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by Section 0.100 of Title 28, Code of Federal Regulations, the Administrator proposes regulations amending Part 1301 of Title 21 of the Code of Federal Regulations as follows:

Section 1301.55 is amended by redesignating the present paragraph (b) as paragraph (c), by redesignating the present paragraph (c) as paragraph (d), and by adding a new paragraph (b), as follows:

§ 1301.55 Burden of proof.

* * * * *

(b) At any hearing on the granting or denial of an applicant to be registered to conduct a narcotic treatment program or as a compounder, the applicant shall have the burden of proving that the requirements for each registration pursuant to Section 303(g) of the Act (21 U.S.C. 823(g)) are satisfied.

* * * * *

All interested persons are invited to submit their comments and objections in writing regarding this proposal not later than May 13, 1976.

These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to either or both of the above amendments. Comments and objections should be submitted in quintuplicate to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

In the event that comments or objections to these proposals raise one or more issues which the Administrator finds, in his sole discretion, to warrant a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: April 2, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-10092 Filed 4-7-76;8:45 am]

[21 CFR Part 1308]

APOMORPHINE

Removal From Schedule II

Apomorphine is a controlled substance in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 812(c) Schedule II (a)(1); § 1308.12(b)(1), Title 21 of the Code of Federal Regulations (CFR)).

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to Section 201(b) of the Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that apomorphine does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by Section 201 (a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby proposes that 21 CFR § 1308.12 (b)(1) be amended as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium and opiate, excluding naloxone, naltrexone, and apomorphine, and their respective salts, but including the following:

(1)	Raw opium	9,600
(2)	Opium extracts	9,610
(3)	Opium fluid extracts	9,620
(4)	Powdered opium	9,639
(5)	Granulated opium	9,640
(6)	Tincture of opium	9,630
(7)	Codeine	9,050
(8)	Ethylmorphine	9,190
(9)	Etorphine hydrochloride	9,059
(10)	Hydrocodone	9,193
(11)	Hydromorphone	9,150
(12)	Metopon	9,260
(13)	Morphine	9,300
(14)	Oxycodone	9,143
(15)	Oxymorphone	9,652
(16)	Thebaine	9,333

All interested persons are invited to submit their comments or objections in

writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received on or before May 13, 1976.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail of the time and place that the hearing will be held. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting grounds for a hearing on the proposal are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving considerations to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: April 2, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-10091 Filed 4-7-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

AMERICAN ALLIGATOR

Proposed Reclassification

The Director, United States Fish and Wildlife Service, hereby issues a notice of proposed rulemaking which would reclassify the American alligator (*Alligator mississippiensis*) from its present listing as an endangered species to the status of a threatened species (as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, 87 Stat. 884); hereinafter referred to as "the Act") in all of Florida and in certain coastal areas of Georgia, Louisiana, South Carolina and Texas. However, this proposed rulemaking would leave the alligator classified as "endangered" throughout the remainder of its range (except for Cameron, Vermilion and Calcasieu Parishes in Louisiana where, although the populations biologically are neither endangered nor threatened, the alligators have been listed as threatened due to their similarity in appearance to the endangered alligators (40 FR 44412–44429)). This rulemaking also would authorize limited, lethal removal of dangerous alligators to protect human lives and property and authorize controlled takings for scientific or conservation purposes in restricted areas under a cooperative agreement pursuant to § 6(c) of the Act, all to enhance long-range conservation objectives for this species as a renewable, natural wildlife resource.

BACKGROUND

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination reflected concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531–1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that populations of the alligator "in the southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, be removed from the Secretary of the Interior's list of threatened and endangered species; that in the south-central and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged.

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the FEDERAL REGISTER on July 16, 1974 (39 FR 26050). Simultaneously, the Governors of States in which alligators are resident were notified of the review and were requested to supply data relative to the status of the species in their respective States.

This review produced evidence that the American alligator is making encouraging gains in population over much of its known historical range and that significant losses of populations have occurred only in geographically peripheral and possibly ecologically marginal areas. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development are resulting in more frequent human-alligator conflicts and control of certain populations is needed to avoid increased public hostility to the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socioeconomic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicate that the primary threats to alligator populations in areas named above are not biotic, but rather the absence of adequate regulatory and enforcement mechanisms:

(1) to prevent malicious killing and illicit commercially-oriented killing and

(2) to control the illegal commerce in products.

Malicious killing stems to a large degree from public hostility and fear, and to some extent could be ameliorated through public education. Illegal commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are inadequate in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward effective control of commerce in parts and products of legally taken alligators would permit the initiation of practicable management programs and a realistic reappraisal of the population status of the species.

THE ORIGINAL PROPOSAL

As a result of this review, the Director found that there were sufficient data to warrant a proposed rulemaking that (1) the alligator is neither endangered nor threatened in Cameron, Vermilion, and Calcasieu Parishes, Louisiana; (2) the alligator is a threatened species in Alabama, Georgia, Louisiana (except Cameron, Vermilion, and Calcasieu Parishes), Mississippi, South Carolina, and Texas; and the alligator is an endangered species in all other parts of its range.

Accordingly, the Director proposed such a rulemaking on July 8, 1975 (40 FR 28712–28720). Despite reservations on the part of some responders with respect to the impact of a classification change on the welfare of the American alligator, and on other endangered wildlife which also may be reclassified at some future date, the sum of all responses reflected a preponderance of opinion in general support of the proposed rulemaking. It was determined to retain the alligator in the endangered status in all of its range except Cameron, Vermilion, and Calcasieu Parishes in Louisiana (40 FR 44412–44429). Alligators in those three parishes were listed as threatened, due to their similarity in appearance to the endangered alligators. The Service announced that it would re-study the distribution and density of alligator populations in the southeastern coastal areas and the problems of enforcement and administration. Based on this study, the Service would soon propose a reclassification of the endangered populations into threatened and endangered, with a

new boundary line separating the classifications (40 FR 44412).

DESCRIPTION OF THE PROPOSAL

As a result of the study, the Director now finds that there are sufficient data to warrant a proposed rulemaking that (1) the alligator is threatened in all of Floridia; and (2) the alligator is threatened in certain coastal areas of Georgia, Louisiana (except for Vermilion, Calcasieu, and Cameron Parishes), South Carolina and Texas contained within the following boundaries:

From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with U.S. Interstate Highway 95 near Waltersboro, South Carolina; thence south on U.S. Interstate Highway 95 (including incomplete portions) to junction with U.S. Highway 82; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico.

From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 12; thence west on U.S. Interstate Highway 12 (including incomplete portions) to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to Texas State Highway 12 at Texas-Louisiana border; thence west on Texas State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west, and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. Highway 77 to corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west Shore of Laguna Madre to the Nueces-Kleberg county line; thence east along the Nueces-Kleberg county line to the Gulf of Mexico.

JUSTIFICATION FOR LISTING THE ALLIGATOR AS THREATENED IN THE DELINEATED AREAS

In the delineated areas the alligator is relatively common. Population estimates for these areas are as follows: South Carolina, 32,500; Georgia, 15,853; Florida, 407,585; Louisiana (Excluding Cameron, Vermilion, and Calcasieu Parishes), 94,779; Texas, 19,292. Altogether, 570,009 alligators are found within the area proposed as Threatened. This is more than 75 percent of all the alligators estimated to occur in the United States (734,384). By contrast, alligator numbers in areas where they will remain classified as Endangered are significantly lower. The following population numbers pertain to such areas: South Carolina, 16,200; Georgia, 14,101; Louisiana, 7,352; Texas, 7,492; Mississippi, 4,740; Alabama, 12,715; North Carolina, 1,314; Arkansas, 1,900; and Oklahoma, 10. In all areas where the alligator is proposed as a Threatened species, the population trend is reported to be increasing.

Despite these relatively high populations, the alligator populations in the involved areas are considered "Threatened" within the definition of the Endangered Species Act of 1973. Section 4 (a) of the Act states that the Secretary of the Interior may determine a species to be an "Endangered" species, or a "threatened" species, because of any of five factors. These factors, and their application to the American alligator, are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The alligator, even in those areas where it would be reclassified as threatened, is not as abundant and widespread as in early times. Large parts of its range have been occupied by man or modified to such an extent as to be unusable to the species. The areas in which the reclassification would occur are entirely within the rapidly developing coastal section of the southeastern United States. Human population is increasing steadily in Florida and adjoining coastal areas, and the influx of man is sure to bring about conflicts that will threaten the survival of alligator populations. Industrial, commercial, recreational, and residential developments along the coast and major waterways of the region will take more and more of the habitat of the species. Although the alligator in this region is now numerous enough and legally well protected enough not to warrant endangered status, the past history of its decline and the prospects for future habitat loss justify a threatened classification.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.*—Although the alligator now is fully protected in those areas where it would be reclassified as threatened, its past history of commercial exploitation gives cause for concern and warrants a threatened classification. This species has high commercial value and can easily be wiped out over large areas in a relatively short time by determined hunters. In the past the alligator was greatly reduced by hide hunters. The potential for such destruction remains today, and actually is even more serious because of increasing accessibility in alligator habitat.

(3) *Disease or predation.*—Not applicable.

(4) *Inadequacy of existing regulatory mechanisms.*—The dramatic comeback of the American alligator can be attributed to the existing regulatory mechanism. The success with respect to this species, which has little if any competition in nature, now requires that adjustments be made in the regulatory structure to provide for long-term protection. It is believed that the proposed rules not only will protect current alligator populations but will permit their further enhancement, while allowing sufficient flexibility for the avoidance or amelioration of dangerous intrusions by alligators into areas occupied by humans.

(5) *Other natural or manmade factors affecting its continued existence.*—Not applicable.

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of endangered and threatened species; he therefore desires to obtain the comments and suggestions of the public, other concerned government agencies, and private interests on these proposed rules. The Director has notified the governors of the states of Florida, Georgia, Louisiana, South Carolina and Texas with respect to this proposed rulemaking and has requested their comments and recommendations.

Final promulgation of the regulations on this population of the American alligator will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal. The Director has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All comments received no later than June 7, 1976, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Supporting data and comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–43; 87 Stat. 884).

In consideration of the foregoing, the Director, United States Fish and Wildlife Service, hereby proposes to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Dated: April 1, 1976.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. It is proposed to amend § 17.11 to read as follows:

§ 17.11 Endangered and threatened wildlife.

SPECIES			RANGE				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
*	*	*	*	*	*		*
Reptiles:							
Alligator American.	*Alligator mississippiensis.*	Wherever found in the wild, except in those areas where it is listed as threatened, as set forth below.	Southeastern U.S.A.	Entire	E	11	N/A.
Do.	do.	In the wild in Florida and in certain areas of Georgia, Louisiana (except in Cameron, Vermilion and Calcasieu Parishes), South Carolina, and Texas, as set forth in section 17.42 (a)(2)(iv).	U.S.A. (Florida and certain areas of Georgia, Louisiana (except Cameron, Vermilion and Calcasieu Parishes), South Carolina, and Texas).	do.	T	13	17.42(a).
Do.	do.	In the wild in Cameron, Vermilion, and Calcasieu Parishes in Louisiana.	U.S.A. (Cameron, Vermilion and Calcasieu Parishes in Louisiana).	N/A.	T(S/A)	11	17.42(a).
Do.	do.	In captivity, wherever found.	Worldwide.	N/A.	T(S/A)	11	N/A.
*	*	*	*	*	*		*

* * * * *

2. It is proposed to amend § 17.42 to read as follows:

§ 17.42 Special rules—reptiles.

(a) *American alligator (Alligator mississippiensis).* * * *

(2) *Definitions.* For the purposes of this paragraph (a) * * *

(iv) "American alligator" shall mean any member of the species (and any part, offspring, dead body, part of a dead body or product of such species) *Alligator mississippiensis* occurring in the wild in Florida and in certain coastal areas of Georgia, Louisiana, South Carolina, and Texas contained within the following boundaries:

From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with U.S. Interstate Highway 95 near Waltersboro, South Carolina; thence south on U.S. Interstate Highway 95 (including incomplete portions) to junction with U.S. Highway 82; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico.

From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 12; thence west on U.S. Interstate Highway 12 (including incomplete portions) to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to Texas State Highway 12 at Texas-Louisiana border; thence west on Texas State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. Highway 77 to corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west Shore of Laguna Madre to the Nueces-Kleberg county line; thence east along the Nueces-Kleberg county line to the Gulf of Mexico.

The prohibitions in this § 17.42(a) apply to all specimens of the "species" described in this definition, wherever they are found.

* * * * *

[FR Doc.76-9948 Filed 4-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 76N-0028]

REQUIREMENTS FOR INHALATION ANESTHETIC DRUG PRODUCTS

Studies for Carcinogenic and Teratogenic Potential

The Food and Drug Administration (FDA), on the recommendation of the Respiratory and Anesthetic Drugs Advisory Committee, proposes to require holders of approved new drug applications for halogenated inhalation anesthetic drug products and applicants for pending or future new drug applications for all inhalation anesthetic drug products to conduct animal studies and submit reports to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of such drug products. The Commissioner of Food and Drugs also proposes to require holders of approved new drug applications for halogenated inhalation anesthetic drug products to conduct such studies on nitrous oxide, on the ground that the approved labeling for those drug products recommends or suggests that the product be used in combination with nitrous oxide. In addition, the Commissioner proposes to conduct a public workshop to afford interested persons the opportunity to present data, information, and views on the structure of the protocols for such studies. Interested persons have until June 7, 1976, to submit comments on the proposed regulation.

There are on the market a number of halogenated inhalation anesthetic drug products. Since these drug products are not generally recognized as safe and effective, they are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. Therefore, an approved new drug application (NDA) is required as a condition for marketing.

For some time the FDA Respiratory and Anesthetic Drugs Advisory Committee has been concerned with certain safety considerations of inhalation anesthetic drug products, and recently the committee has reviewed the following articles in the scientific literature on this subject:

REFERENCES

Copies of the articles are available for public inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

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2. Askrog, V. and B. Harvald, "Teratogenic Effects of Inhalation Anesthetics," *Nordisk Medicin*, 83:498-500, 1970.

3. Basford, A. B. and B. R. Fink, "The Teratogenicity of Halothane in the Rat," *Anesthesiology*, 29:1167-1173, 1968.

4. Bruce, D. L., K. A. Eide, H. W. Linde, and J. E. Eckenhoff, "Causes of Death Among Anesthesiologists: A 20-Year Survey," *Anesthesiology*, 29:565-569, 1968.

5. Bruce, D. L., K. A. Eide, M. J. Smith, F. Seltzer, and M. H. M. Dykes, "Characteristics of the American Society of Anesthesiologists' Membership, 1967-1971," *Anesthesiology*, 41:67-74, 1974.

6. Cohen, E. N. et al., "Occupational Disease Among Operating Room Personnel: A National Study," *Anesthesiology*, 41:317-340, 1974.

7. Cohen, E. N., J. W. Bellville, and B. W. Brown, "Anesthesia Pregnancy, and Miscarriage: A Study of Operating Room Nurses and Anesthetists," *Anesthesiology*, 35:343-347, 1971.

8. Corbett, T. H., "Anesthetics as a Cause of Abortion," *Fertility and Sterility*, 23:866-869, 1972.

9. Corbett, T. H., "Cancer and Congenital Anomalies Associated with Anesthetics," draft manuscript, 1975.

10. Corbett, T. H., R. G. Cornell, J. L. Endres, and K. Lieding, "Birth Defects Among Children of Nurse-Anesthetists," *Anesthesiology*, 41:341-344, 1974.

11. Corbet, T. H., R. G. Cornell, K. Lieding, and J. L. Endres, "Incidence of Cancer Among Michigan Nurse-Anesthetists," *Anesthesiology*, 38:260-263, 1973.

12. Corssen, G., "Cytotoxic Effects of Halogenated Anesthetics," "Toxicity of Anesthetics," Edited by Fink, B. R., Williams & Wilkins Co., Baltimore, pp. 50-58, 1968.

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At its May 19, 1975 meeting, the committee concluded that, while there are many benefits associated with the use of halogenated inhalation anesthetic drug products, there is sufficient evidence to cause concern in regard to their carcinogenic and mutagenic potential and their effect on reproduction, including their teratogenic potential, and a lack of information and data to dispel that concern. The committee therefore recommended to the Commissioner that animal studies in these areas be required for such drug products. A copy of the minutes of this meeting has been placed on file in the office of the Hearing Clerk.

Accordingly, on the recommendation of the Respiratory and Anesthetic Drugs Advisory Committee, the Commissioner proposes to require under section 505(j) of the act that animal studies to determine the carcinogenic potential and effects on reproduction, including the teratogenic potential, of such drug products be performed and records and reports on such studies be submitted to FDA to enable the Commissioner to determine if there are, or may be, grounds for requiring revision of the labeling to provide for safer use of these drugs or grounds for withdrawing approval, under section 505(e) of the act, of any of the approved new drug applications listed in paragraph (d) of proposed § 310.511 (21 CFR 310.511). Failure to submit required records and reports is itself a ground for withdrawal of approval of a new drug application under section 505(e) of the act, and a violation of section 301(e) of the act (justifying prosecution and injunctive legal action).

Because of the concern raised regarding marketed inhalation anesthetic drug products, the Commissioner is also proposing that the previously mentioned animal studies be required for all inhalation anesthetic drug products subject to pending or future new drug applications.

The advisory committee also noted that people are exposed to nitrous oxide more than to any of the halogenated inhalation anesthetic drugs because most inhalation anesthesia administered consists of nitrous oxide supplemented with either a more potent inhalation anesthetic or a parenteral agent. The Commissioner notes that the approved labeling for the halogenated inhalation anesthetic drug products listed in proposed § 310.511(d) recommends that they be used in combination with nitrous oxide. Therefore, the Commissioner also proposes that the holders of the approved NDA's and abbreviated new drug applications (ANDA's) listed in proposed § 310.511(d) be required to conduct studies to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of nitrous oxide.

The Commissioner does not propose to require that mutagenicity studies be performed at this time because he believes that appropriate methods for such studies are not currently available. However, he notes that the field of mutagenicity testing is developing at a rapid pace, and he is currently conducting a review and evaluation of mutagenicity test procedures. Pilot studies for such testing are under consideration.

The Commissioner is of the opinion that these drugs should be tested under standardized conditions and under a common protocol so that interpretable data on the comparative potential risk of each drug product are developed. The Respiratory and Anesthetic Drugs Advisory Committee concluded that the design of the study would be crucial and recommended that a workshop be held—inviting representatives from the National Cancer Institute, the National Institute for Occupational Safety and Health, anesthesiologists, the NDA holders, and other interested parties—to insure that the studies are properly designed. The Commissioner accepts this recommendation and, accordingly, such a workshop will be scheduled. The dates and location for the workshop will be proposed in the preamble to a final regulation published pursuant to this proposal. The workshop will be scheduled approximately 45 days after preliminary protocols are submitted pursuant to proposed § 310.511(b) in order that the preliminary protocols may be reviewed and discussed at that meeting. Preliminary protocols will be required to be submitted within 30 days after the effective date of a final regulation published pursuant to this proposal. The Commissioner proposes that § 310.511 become effective 30 days after the date of publication of a final regulation in the FEDERAL REGISTER.

All holders of approved NDA's or ANDA's for halogenated inhalation anesthetic drug products who have studies in progress to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of their drug products and/or nitrous oxide may submit the protocols with starting and projected concluding dates for such studies. FDA may accept those studies in lieu of the studies required by proposed § 310.511. Studies not yet begun should be deferred until approval by FDA of the final protocol for the studies required under proposed § 310.511 in order to insure that such studies will be accepted when completed.

The only expansion of the current use level of inhalation gases that will result from making this proposal a final regulation will be for laboratory use in laboratory animals. This additional use will be minimal, and the protocols for the studies will be designed to assure that laboratory personnel are not exposed to excessive amounts of the gases. Based on these considerations, the Commissioner has concluded that this action will not significantly affect the quality of the human environment, and 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 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. 505, 701 (a); 52 Stat. 1052–1053 as amended, 1055 (21 USC 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations in Part 310 by adding a new § 310.511, to read as follows:

§ 310.511 Inhalation anesthetic drugs.

(a) The Commissioner of Food and Drugs has found, on the recommendation of the Respiratory and Anesthetic Drugs Advisory Committee and from a

review of the scientific literature, that there is sufficient evidence to cause concern regarding the carcinogenic potential and effects on reproduction, including the teratogenic potential, of halogenated inhalation anesthetic drug products and of nitrous oxide. He has therefore concluded that it is necessary, under section 505(j) of the act, to require holders of approved new drug applications for halogenated inhalation anesthetic drug products to establish and conduct studies in animals regarding the carcinogenic potential and effects on reproduction, including the teratogenic potential, of such drug products and of nitrous oxide, and to make reports on such studies to the Commissioner to enable him to determine whether there is ground for requiring revision of the labeling to provide for safer use of these drugs or ground for withdrawing approval, under section 505(e) of the act, of any of the approved new drug applications for such products.

(b) The holders of the new drug applications (NDA's) or abbreviated new drug applications (ANDA's) listed in paragraph (d) shall submit to the Food and Drug Administration, on or before (30 days after the effective date of a final regulation published in the FEDERAL REGISTER), the preliminary protocols that the NDA holder proposes to follow in conducting studies in animals on the carcinogenic potential and effects on reproduction, including the teratogenic potential, of the drug products listed in paragraph (d) of this section and of nitrous oxide. The preliminary protocols may be discussed with the Bureau of Drugs, Division of Surgical-Dental Drug Products (HFD–160), 5600 Fishers Lane, Rockville, MD 20852.

(c) Reports regarding the carcinogenicity and reproduction studies shall be submitted to the Food and Drug Administration as follows:

(1) Status reports of the ongoing studies at 3-month intervals, beginning 90 days after the applicant has received an acceptance of the protocol from the Food and Drug Administration.

(2) The final report at the completion of the studies within 30 months following acceptance of the protocol by the Food and Drug Administration.

(d) Holders of the following new drug applications shall conduct studies in animals to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of such drug products and of nitrous oxide:

NDA or ANDA No.	Drug name	Firm
10-690	Fluoromar (fluroxene).	Ohio Medical Products, Murray Hill, N.J. 07974.
11-338	Fluothane (halothane).	Ayerst Laboratories (division of American Home Products Corp.), 685 3d Ave., New York, N.Y. 10017.
13-056	Penthrane (methoxyflurane).	Abbott Laboratories, North Chicago, Ill. 60064.
17-087	Ethrane (enflurane).	Ohio Medical Products.
80-810	Halothane Liquid.	Halocarbon Ontario, Ltd., Ontario, Canada.
83-254	....do.....	Abbott Laboratories.

(e) Holders of the new drug applications or abbreviated new drug applications listed in paragraph (d) of this section who have studies in progress to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of such drug products or nitrous oxide, or both, may send the protocols, with starting and projected concluding dates, for such studies to the Food and Drug Administration at the address listed above. Such studies may be accepted by the Food and Drug Administration in lieu of those required under this section.

(f) A new drug application for any inhalation anesthetic drug product that is submitted before, and pending approval on (effective date of final regulation), shall be approved by the Food and Drug Administration prior to the end of the time period specified in paragraph (c)(2) of this section only on the condition that the applicant establish and conduct studies in animals as required by this section regarding the carcinogenic potential and the effects on reproduction, including the teratogenic potential, of such drug products.

(g) Future new drug applications for all inhalation anesthetic drug products shall contain the results of studies to determine the carcinogenic potential and effects on reproduction, including teratogenic potential, of such drug products.

Interested persons may, on or before June 7, 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: March 31, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–10077 Filed 4–7–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI–995]

FLORENCE, ALABAMA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 City of Florence, Alabama.

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 Florence 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, Florence, Alabama, 35630.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William E. Batson, P.O. Box 98, Florence, Alabama 35630. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cox Creek	Chisholm Rd	510	0	1,125
	Cloverdale Rd	488	0	375
	Jackson Rd	475	1,225	325
Cypress Creek	Cypress Cliff Ave	448	25	75
Tennessee River	Mitchell Blvd	430	275	(1)

[1] 100-yr flood boundary 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 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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–10161 Filed 4–7–76;8:45 am]

[24 CFR Part 1917]

[Docket No. F–1,002]

HONESDALE, WAYNE COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 Honesdale, Wayne 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, 958 Main Street, Honesdale.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Keegan, 958 Main Street, Honesdale, Pennsylvania 18431. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Carley Brook	North of Freethy Pond Rd. at inflow to Freethy Pond.	(1)	20	30
Dyberry Creek	At northern corporate limit	978	710	280
	At 18th St. (extended)	976	590	290
	At 16th St. (extended)	975	70	860
	At 14th St. (extended)	974	90	160
	At 13th St. (extended)	972	50	150
	At High St. (extended)	970	40	40
	At 9th St. (extended)	968	20	60
Lackawaxen River	At western corporate limit	995	85	(2)
	South of U.S. Highway 6	990	220	(2)
	Maple Ave. intersection at Westside Ave. (extended).	975	40	50
	West of Fair Avenue Bridge	972	10	20
	At Court St. (extended)	970	20	40
	At 9th St. (extended)	968	20	60
	At 7th St. (extended)	966	30	50
	South of 4th Street Bridge	964	40	40
	South of Brown Street Bridge	962	30	50
	At southern corporate limit	961	100	100

[1] Approximate study; no elevations.
[2] To corporate limits.

(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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-10165 Filed 4-7-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1,001]

LOWER SOUTHAMPTON, BUCKS COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 Township of Lower Southampton, Bucks 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 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 Auditorium, 1500 Desire Avenue, Seasterville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Michael Laputka, Township Manager, 1500 Desire Avenue, Seasterville, Pennsylvania 19047. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Neshaminy Creek	Dam 1	52	220	80
	Bent Rd	56	80	140
	Brownsville Rd	64	80	400
	Maple Ave	66	60	830
	Langhorn Ave	68	80	780
Poquessing Creek	Trevose Rd	136	200	100
	Philmont Ave	148	900	3,100
	Bruce St	162	160	220
	Steele Rd	178	100	140
	East Wood Ave	179	130	200
	Hickory Ave	183	100	200
Poquessing Creek, tributary No. 1.	Sterners Mill Rd	137	200	100
	County Line Rd	140	220	120
Poquessing Creek, tributary No. 2.	Central Ave	172	100	100
Poquessing Creek, tributary No. 3.	Beechwood Ave	188	100	320
	Woodbine Ave	189	260	400
Mill Creek	Bristol Rd. West	90	600	250
	Bustleton Pike	99	200	

(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: March 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–10164 Filed 4–7–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1,000]

MILL HALL, CLINTON COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 Mill Hall, Clinton 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 Borough Building, 20 Pennsylvania Avenue, Mill Hall, during regular meeting nights.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert D. Stevenson, President of the Borough Council, 217 Cedar Lane, Mill Hall, Pennsylvania 17751. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Fishing Creek	Southern corporate limit	596	120	(1)
	Upstream of Main Street Bridge	586	20	540
	Upstream of Church Street Bridge	581	10	930
	Upstream of abandoned Penn Central R.R. bridge.	579	520	1,300
	Upstream of Penn Central R.R. bridge	576	1,400	(1)
	Northern corporate limit	568	280	(1)

1 To 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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–10163 Filed 4–7–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–999]

PAUPACK, WAYNE COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1963 (Title XIII of the Housing and Urban Development Act of 1968 P.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 Township of Paupack, Wayne 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 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 Township Building, Paupack, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Francis H. Ammerman, Township Supervisor, Lakeville, Pennsylvania 18438. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Middle Creek	Northwest corporate limits	1,120	30	120
	T-367	1,098	30	30
	LR-943	1,035	20	60
Lake Wallenpaupack	Paradise Rd. (extended)	1,191	120	
	T-394 (extended)	1,191	100	
	Mohican Rd. (extended)	1,191	50	

(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: March 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–10162 Filed 4–7–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–998]

SHAMOKAN DAM, SNYDER COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 Shamokan Dam, Snyder 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 Chambers, Municipal Building, U.S. Routes 11 and 15, Shamokan Dam, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Earl K. Noll, Borough Manager, Municipal Building, P.O. Box 73–A, Shamokan Dam, Pennsylvania 17876. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	North corporate limit	447		180
	Bainbridge St.	447		200
	5th Ave. (extended)	446		700
	Walnut Ave. (extended)	445		1,200
	8th Ave.	444		1,120
	9th Ave. (extended)	444		260
	10th Ave. (extended)	444		246
	11th Ave. (extended)	444		200
	Monroe Ave. (extended)	444		180
	South corporate limits	444		100

(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: March 25, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–10159 Filed 4–7–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–997]

WEST FAIRVIEW, CUMBERLAND COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 West Fairview, Cumberland 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 Bulletin Board in the Meeting Room of the Town Hall, 41 Cherry Street, West Fairview, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Charles Hess, Mayor, 410 Cherry Street, West Fairview, Pennsylvania 17025. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	North corporate limits	322		90
	South St. (extended)	321		400
Conodoguinet Creek	West corporate limits	321	180	
	Penn Central RR	321	480	

(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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-10160 Filed 4-7-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-996]

WORMLEYSBURG, CUMBERLAND COUNTY, PENNSYLVANIA

Appeals From Flood Elevation Determination and Judicial Review

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.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 P.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 Wormleysburg, Cumberland 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 Bulletin Board, Municipal Building, 20 Market Street, Wormleysburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Richard Eby, President of Borough Council, 20 Market Street, Wormleysburg, Pennsylvania 17043. 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, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Market Street Bridge	320		280
	Walnut Street Bridge	320		380
	Taylor Bridge	321		780
	Confluence with Conodoguinet Creek	321		1,000

(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: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-10166 Filed 4-7-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-GL-8]

AIRWORTHINESS DIRECTIVES

Airborne Vacuum Pump Models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Airborne Engine Driven Vacuum Pump Models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW (certain early serial numbers only).

It has been determined as a result of environmental testing that a limit should be established for the service life life expectancy of the flexible drive couplings for these models. Failure to replace these pumps could result in a loss of vacuum pressure with accompanying loss of directional or attitude gyro function. The proposed AD would require that all Airborne engine driven vacuum pump models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW (certain early serial numbers only), manufactured prior to January 1966, be removed and another serviceable approved air pump installed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the (Rules Docket) for examination by interested persons.

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

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

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

AIRBORNE MANUFACTURING COMPANY. Applies to Models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW engine driven pumps.

Compliance is required within the next 25 hours time in service, or next annual inspection, whichever occurs first after the effective date of this AD, unless already accomplished.

To prevent loss of vacuum pressure with accompanying loss of directional or attitude gyro function accomplish the following: All airborne engine driven vacuum pumps, for which the model and serial numbers are listed below, manufactured prior to 1966 be removed from service and replaced with another serviceable approved vacuum pump.

Model	Year	Serial numbers
113A	1960	1D1 thru 12D1199 inclusive.
	1961	1E1 thru 12E2288 inclusive.
	1962	1F1 thru 12F3411 inclusive.
	1963	1G1 thru 12G4230 inclusive.
	1964	1H1 thru 12H1688 inclusive.
	1965	1J1 thru 12J210 inclusive.
200CC, 200CW	1963	5G43 thru 12G903 inclusive.
	1964	1H1 thru 12H5623 inclusive.
	1965	1J1 thru 12J9397 inclusive.
220CC, 220CW	1964	2H1 thru 12H680 inclusive.
	1965	1J1 thru 4J393 inclusive.
221CC, 222CW	1965	3J1 thru 12J371 inclusive.

Airborne Manufacturing Company Service Letter No. 16 dated January 29, 1976, also pertains to this subject.

Issued in Des Plaines, Illinois on March 30, 1976.

JOHN M. GYROCKI,
Director.

[FR Doc.76-9942 Filed 4-7-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-SO-25]

AIRWORTHINESS DIRECTIVE

Grumman-American Aviation Corporation Models G-159 and G-1159

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes. There have been 10 recorded instances of landing/taxi accidents/incidents involving nose landing gear drag strut penetration in the immediate area of the jump seat. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the nose landing gear/fuselage structure on all Grumman-American Aviation Corporation Model G-159 and G-1159 aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviaton Administration, Southern Regional Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia, 30320. All communications received on or before May 5, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, 3400 Whipple Street, East Point, Georgia, Room 275, for examination by interested persons.

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

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

GRUMMAN-AMERICAN AVIATION CORPORATION. Applies to Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes certificated in all categories.

Compliance required on or before October 1, 1976, unless already accomplished.

To prevent injury to an occupant of any jump seat located between fuselage stations 119 and 169 on Grumman-American Aviation Corporation Model G-159 and G-1159 airplanes accomplish the following:

Modify aircraft in accordance with Grumman-American Aviation Corporation Aircraft Service Change 226 (G-159 and G-1159) or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region to prevent nose landing gear floor penetration in a critical area.

PHILLIP M. SWATEK,
Director, Southern Region.

Issued in East Point, Georgia on March 26, 1976.

[FR Doc.76-9940 Filed 4-7-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15541]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 Model 401 AK Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corporation BAC 1-11 Model 401 AK airplanes. There has been a reported failure of the emergency free fall operating mechanism to lower the nose landing gear on certain British Aircraft Corporation BAC 1-11 Model 401 AK airplanes which could result in extensive damage to the airplane upon landing. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspections of the free fall operating mechanism of certain BAC 1-11 Model 401 AK airplanes until the replacement of bushings in the nose gear fall cam mechanism.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before May 10, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11, Model 401 AK series airplanes, certificated in all categories, which have Dupont Vespel bushings installed in the nose gear fall cam mechanism.

Compliance is required as indicated.

To prevent failure of free fall capability of the nose landing gear system, accomplish the following:

(a) Within the next 160 hours time in service after the effective date of this AD, unless already accomplished within the previous 160 hours time in service, and thereafter at intervals not to exceed 160 hours time in service from the last inspection, inspect the nose landing gear free fall mechanism in accordance with the procedures described in item BB of the "Accomplishment Instructions," paragraph 2, steps 1 through 8, of British Aircraft Corporation Alert Service Bulletin 32-A-PM5335, dated May 31, 1975, or an FAA-approved equivalent.

(b) The inspections of the nose landing gear free fall mechanism required by paragraph (a) of this AD may be terminated upon the replacement of the Dupont Vespel bushings in the free fall cam mechanism with British Aircraft Corporation bushing P/N AB44-1875 or AB44-1943 (2 per airplane) and bushing P/N AB44-1879 or AB44-1945 (1 per airplane).

Issued in Washington, D.C. on April 1, 1976.

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

[FR Doc.76-10034 Filed 4-7-76;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 76-WE-9]

TEMPORARY RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas for use in evaluating the capability of an airborne aircraft to provide command, control, communications and surveillance for tactical forces in a congested area. Military Air Maneuvers in support of this test will be conducted from 0700 PDT to 1100 PDT daily, September 8, 1976, through September 11, 1976. These restricted areas would also be included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before May 10, 1976 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rule making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendments would designate the following temporary restricted areas and include them in the continental control area for the duration of their times of designation.

R-4818A SIERRA, NEV.

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W., Clockwise to Lat. 35°39'00" N., Long. 115°53'00" W., to Lat. 35°19'00" N., Long. 116°19'00" W., thence along the eastern and northern boundaries of R-2502E, R-2502N, and R-2524, to Lat. 35°36'00" N., Long. 117°26'00" W., to Lat. 35°40'25" N., Long. 117°25'00" W., thence along the eastern and northern boundaries of R-2505, to Lat. 36°14'00" N., Long. 117°53'00" W., to Lat. 36°14'00" N., Long. 118°34'30"W., to Lat. 37°12'00" N., Long. 118°34'30" W., to Lat. 37°12'00" N., Long. 117°20'00" W., to Lat. 36°30'00" N., Long. 116°55'00" W., to point of beginning.

Designated altitudes. 3000 feet AGL to FL 200.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665.

R-4818B SIERRA, NEV.

Boundaries. Beginning at Lat. 35°07'00" N., Long. 116°34'00" W., Clockwise to Lat. 35°-01'30" N., Long. 116°41'00" W., to Lat. 34°-56'00" N., Long. 117°09'00" W., thence along the southern boundary of R-2515 and R-2502E to point of beginning.

Designated altitudes. 3000 feet AGL to FL 200.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665.

R-4818C SIERRA, NEV.

Boundaries. Beginning at Lat. 36°14'00" N., Long. 117°53'00" W., Clockwise along the western and southern boundaries of R-2505 to Lat. 35°40'25" N., Long. 117°25'00" W., to Lat. 35°36'00" N., Long. 117°26'00" W., thence along the western boundaries of R-2524 and R-2515, to Lat. 34°52'00" N., Long. 118°06'00" W., to Lat. 34°57'00" N., Long. 118°21'30" W., to Lat. 35°14'30" N., Long. 118°34'30" W., to Lat. 36°14'00" N., Long. 118°34'30" W., to point of beginning.

Designated altitudes. 6000 feet AGL to FL 200.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665.

R-4818D SIERRA, NEV.

Boundaries. Beginning at Lat. 37°12'00" N., Long. 118°35'00" W., Clockwise to Lat. 37°-15'30" N., Long. 118°35'00" W., to Lat. 37°-30'00" N., Long. 118°01'00" W., to Lat. 37°-30'00" N., Long. 117°26'30" W., to Lat. 37°-21'15" N., Long. 117°20'00" W., to Lat. 37°-12'00" N., Long. 117°20'00" W., to point of beginning.

Designated altitudes. 14,000 feet AGL to FL 240.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818E SIERRA, NEV.

Boundaries. Beginning at Lat. 37°53'00" N., Long. 117°01'00" W., Clockwise along the western boundary of R-4807 to Lat. 37°-27'30" N., Long. 117°05'00" W., to Lat. 37°-37'00" N., Long. 117°15'00" W., to point of beginning.

Designated altitudes. 14,000 feet AGL to FL 240.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818F1 SIERRA, NEV.

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W., Clockwise to Lat. 38°-01'00" N., Long. 116°00'00" W., to Lat. 38°-04'30" N., Long. 115°18'00" W., to Lat. 37°-17'00" N., Long. 115°18'00" W., thence along the north/eastern boundaries of R-4806, R-4808, and R-4807, to Lat. 37°53'00" N., Long. 116°26'00" W., to point of beginning.

Designated altitudes. 500 feet AGL to FL 180.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665.

R-4818F2 SIERRA, NEV.

Boundaries. Beginning at Lat. 38°00'00" N., Long. 116°26'00" W., Clockwise, to Lat. 38°-01'00" N., Long. 116°00'00" W., to Lat. 38°04'-30" N., Long. 115°18'00" W., to Lat. 37°17'00" N., Long. 115°18'00" W., thence along the north/eastern boundaries of R-4806, R-4808, and R-4807, to Lat. 37°53'00" N., Long. 116°26'00" W., to point of beginning.

Designated Altitudes. FL 180 to and including FL 350.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley AFB, Va. 23665.

R-4818G1 SIERRA, NEV.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 38°08'00" N., Long. 114°25'00" W., to Lat. 37°53'00" N., Long. 113°39'00" W., to Lat. 37°17'00" N., Long. 114°07'00" W., to point of beginning.

Designated altitudes. 500 feet AGL to FL 180.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818G2 SIERRA, NEV.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 38°04'30" N., Long. 115°18'00" W., to Lat. 38°08'00" N., Long. 114°25'00" W., to Lat. 37°53'00" N., Long. 113°39'00" W., to Lat. 37°17'00" N., Long. 114°07'00" W., to point of beginning.

Designated altitudes. FL 180 to and including FL 350.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency, Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818H1 SIERRA, NEV.

Boundaries, beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 37°17'-00" N., Long. 114°07'00" W., to Lat. 36°53'-00" N., Long. 114°26'00" W., to Lat. 36°-53'00" N., Long. 115°18'00" W., to point of beginning.

Designated altitudes. 500 feet AGL to FL 180.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency, Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818H2 SIERRA, NEV.

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W., Clockwise to Lat. 37°17'00" N., Long. 114°07'00" W., to Lat. 36°53'00" N., Long. 114°26'00" W., to Lat. 36°53'00" N., Long. 115°18'00" W., to point of beginning.

Designated altitudes. FL 180 to and including FL 350.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818I1 SIERRA, NEV.

Boundaries. Beginning at Lat. 36°53'00" N., Long. 115°18'00" W., Clockwise to Lat. 36° 53'00" N., Long. 114°26'00" W., to Lat. 36° 26'00" N., Long. 114°45'00" W., to Lat. 36° 43'00" N., Long. 114°53'00" W., to Lat. 36° 41'00" N., Long. 115°18'00" W., to point of beginning.

Designated altitudes. 500 feet AGL to FL 180.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

R-4818I2 SIERRA, NEV.

Boundaries. Beginning at Lat. 36°53'00" N., Long. 115°18'00" W., Clockwise to Lat. 36° 53'00" N., Long. 114°26'00" W., to Lat. 36° 26'00" N., Long. 114°45'00" W., to Lat. 36° 43'00" N., Long. 114°53'00" W., to Lat. 36° 41'00" N., Long. 115°18'00" W., to point of beginning.

Designated altitudes. FL 180 to and including FL 350.

Time of designation. 0700 PDT to 1100 PDT daily, September 8 through 11, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command (TAC), Langley Air Force Base, Va. 23665.

This exercise will train USAF Tactical Forces in all phases of joint ground and air operations. The temporary restricted areas are required to accommodate the extensive air operations associated with the exercise. Approximately 394 tactical fighter aircraft, 10 reconnaissance, and 30 other fixed-wing aircraft are involved in this tactical test. Participating aircraft will be conducting close air support, interdiction, air defense/counter air, reconnaissance, and electronic warfare missions which will require air maneuvering through a wide range of airspeeds and altitudes. Air-to-air refueling and airborne command and control missions will be included within employment operations. The employment sequence of events covers approximately 3-4 hours duration with total sorties exceeding 430 for each daily evolution. Aerial delivery of ordnance would be on established air-to-ground gunnery ranges within the proposed area. To accommodate the extensive high performance tactical air operations in this relatively compressed time frame, joint-use restricted airspace of sufficient size is required.

Two E-3A aircraft and a ground based Tactical Air Control System (TACS) will be established for control of exercise aircraft within designated airspace. While this system will only control participating aircraft, procedures can be established to accommodate, to the maximum extent possible, civil aviation interests so as not to cause undue hardships. Nonparticipating aircraft will be allowed penetration of and operations within the designated exercise airspace after coordination with the appropriate TACS facility and should encounter minimum delay. Municipal airports will be given relief by providing a three-nautical mile radius and 800 feet AGL clear zone excluded from the exercise area. Exercise aircraft will remain clear of VFR nonparticipating aircraft.

Leased lines of communications will be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of both exercise air traffic within and proceeding in and out of the exercise areas. Wide area telecommunications systems (WATS) (Reverse Charge) telephone numbers will be obtained for the accommodation of nonexercise air traffic coordination. These numbers would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period.

Except for approved arrivals and departures at operating bases, exercise aircraft will avoid overflight of inhabited areas. The users of the temporary restricted areas understand that they are also obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface. All close air support training will be conducted in uninhabited maneuver areas and the permanent restricted areas.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 31, 1976.

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

[FR Doc.76-9943 Filed 4-7-76;8:45 am]

[14 CFR Part 91]

[Docket No. 15537; Notice No. 76-10]

AIRCRAFT LEASE AGREEMENTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to ensure more complete supervision of the lessee or conditional buyer contract flights.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 7, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In October 1970, as the result of an aircraft accident involving a leased aircraft, the Secretary of Transportation directed an investigation of charter operations that use large aircraft. As the result of this investigation, Amendment 91-104 (FAR 91.54) effective January 3, 1973, was published which provided for a "truth in leasing" clause for U.S. registered large civil aircraft. Subsequently, a short clarifying amendment, 91-108, effective January 3, 1973, was published to further clarify the applicability of § 91.54.

On December 15, 1973, a leased Constellation aircraft crashed into a residential area shortly after takeoff from Miami International Airport. After investigation, the National Transportation Safety Board concluded that § 91.54 of the Federal Aviation Regulations was not fully effective and recommended changes.

The present regulation requires the lessee or conditional buyer to mail a copy of the lease or conditional sale contract, within 24 hours of its execution, to the FAA Aircraft Registry, Oklahoma City, Oklahoma. The purpose of such a central filing is to facilitate prompt communication within the FAA concerning the operation and thereby enable the FAA to more promptly carry out its surveillance responsibilities in the interest of safety by District Office inspections. However, experience has shown that local inspectors from the District Offices are not being notified in sufficient time to inspect newly leased aircraft since the regulations, as already noted, only provide for the lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, to mail a copy of the lease or contract within 24 hours of its execution, to the Flight Standards Technical Division, Oklahoma City, Oklahoma. As a result, the District Office nearest to the point of departure is often unaware of the intended flight in sufficient time to inspect the aircraft prior to the first flight under such a lease or contract.

To correct this deficiency and provide for timely inspections, it is proposed that the lessee, conditional buyer, or registered owner if the lessee is not a citizen of the United States, notify by telephone or in person the Flight Standards District Office, General Aviation District Office, or Air Carrier District Office, nearest the airport where the flight will originate, of the departure time at least forty-eight (48) hours prior to takeoff in the case of the first flight of that aircraft under that lease or contract. The FAA is of the opinion that in the interest of safety it is important that such aircraft be inspected before their first flight under such a lease or contract.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49

U.S.C. 1354(a) and 1421), and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 91.54 of the Federal Aviation Regulations by striking out the word "and" at the end of paragraph (c)(1), by striking out the period at the end of paragraph (c)(2) and adding a semi-colon and the word "and" at the end thereof, and by adding a new paragraph (c)(3) to read as follows:

§ 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.

* * * * *

(c) * * *

(3) The lessee or conditional buyer, or the registered owner if the lessee is not a citizen of the United States, has notified by telephone or in person the Flight Standards District Office, General Aviation District Office, or Air Carrier District Office, nearest the airport where the flight will originate, of the departure time at least forty-eight (48) hours prior to takeoff in the case of the first flight of that aircraft under that lease or contract.

* * * * *

Issued in Washington, D.C., on March 26, 1976.

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

[FR Doc.76-9941 Filed 4-7-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15549]

HAWKER SIDDELEY AVIATION, LTD. DH-114 AIRPLANES

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Hawker Siddeley DH-114 airplanes. There has been a report of damage occurring in the main landing gear damper ram on DH-114 airplanes that could result in possible seizure of the damper ram and extensive damage to the aircraft upon landing. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the damper ram on Hawker Siddeley DH-114 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they mayq desire. Communifications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW Washington, D.C. 20591. All communications received on or before May 12, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

HAWKER SIDDELEY AVIATION, LTD. Applies to DH-114 airplanes, certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unles already accomplished.

To prevent the possible seizure of the main landing gear damper ram, and consequent damage to the aircraft upon landing, accomplish the following:

(a) Modify the damper ram, P/N AC11164, in accordance with Part A of the section entitled "Accomplishment Instructions" of Dunlop Aviation Division Service Bulletin 32-824, dated April 6, 1973, or an FAA-approved equivalent.

(b) Upon completion of the modification specified in paragraph (a) of this AD, reidentify the modified damper ram as P/N AC65528, Mod. 1. (Hawker Siddeley Aviation Ltd., Series: Heron (114), TNS. U.15, Issue 2, dated April 30, 1973, refers to this same subject).

Issued in Washington, D.C. on April 2, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-10393 Filed 4-7-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15550]

MORANE SAULNIER (SOCATA) MODEL MS 760 (PARIS I) AND MS 760A (PARIS IA) AIRPLANES

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Morane Saulnier (Socata) Model MS 760 (Paris I) and MS 760A (Paris IA) airplanes. There have been reports of cracks in the landing gear half wheel rims at the studs on Model MS 760 and MS 760A airplanes equipped with ERAM wheels, P/N 3760-A, that could propagate and cause failure of the landing gear wheels. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections and replacement, if necessary, of the wheels on Morane Saulnier (Socata) Model MS 760 (Paris I) and MS 760A (Paris IA) airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before, May 12, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

MORANE SAULNIER (SOCATA). Applies to Model MS 760 (Paris I) and MS 760A (Paris IA) airplanes equipped with ERAM wheels, P/N 3760-A, all serial numbers, certificated in all categories.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the preceding 50 hours time in service, and thereafter, at intervals not to exceed 100 hours time in service from the last inspection.

To detect cracks in the landing gear wheels and prevent possible wheel failure, accomplish the following:

(a) Visually inspect, using a dye penetrant procedure, each ERAM wheel, P/N 3760-A, in accordance with paragraph 2 of ERAM Service Bulletin No. 32-01, dated December 1970, as revised October 1973, or an FAA-approved equivalent.

(b) If, during an inspection required by this AD, a wheel is found to have more than one crack per stud or any crack exceeding 14 mm in length, replace that wheel with a serviceable wheel of the same part number or an FAA-approved equivalent.

Issued in Washington, D.C., on April 5, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.76-10394 Filed 4-7-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-16]

ALTERATION OF FEDERAL AIRWAY SEGMENTS

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter two airways in the vicinity of Elkins, W. Va., and Front Royal, Va.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received on or before May 10, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW, Washington, D.C. 20591.

The proposed amendment would: (1) Realign V-174 between Elkins, W. Va., and Front Royal, Va.; (2) Renumber the segment of V-174 between Linden, Va., and Blue Ridge, Va., as V-144; (3) Realign V-286 between Elkins, W. Va., and Casanova, Va.

This proposed action would improve traffic flow to/from the Washington terminal area by providing a low altitude inbound/outbound route to/from Dulles and Washington Airports. In addition, a capability of transitioning to Jet Route 149 would be provided.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Washington, D.C., on April 2, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-10392 Filed 4-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[(FRL 520-6; PP 6E1678/P16)]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerance for the Pesticide Chemical 2,4-D

Dr. R. T. Guest, Assistant Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1678) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the University of Florida, Institute of Food and Agricultural Sciences, Agricultural Research and Education Center, PO Box 1088, Lake Alfred FL 33850. This petition requested that the Administrator, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that the existing 5 part per million (ppm) tolerance for residues of 2,4-D (2,4-Dichlorophenoxyacetic acid) in or on the raw agricultural commodity group citrus fruits resulting from preharvest application of the isopropyl and butoxyethyl esters of 2,4-D (Section 180.142(a)) be amended to cover residues resulting from the postharvest application of the alkanolamine salts of 2,4-D to citrus fruits to promote healing of superficial wounds on the fruit surface, to prevent peel necrosis due to senescence and desiccation, and to aid in control of postharvest fungal decay caused by *Glomerella cingulata, Alternaris* sp., and *Colletotrichum* sp.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that amending Section 180.142(a) to permit the postharvest application of the Alkanolamine salts of 2,4-D to citrus fruits will protect the public health. It is proposed, therefore, that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this notice, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before May 10, 1976 and should bear a notation indicating both the subject and the petition/document control number "PP6E1678/P16". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

It is proposed that Part 180, Subpart C, § 180.142, be amended by revising subparagraph (a) to include the new use "fungicide", and to include the postharvest application of the alkanolamine salts of 2,4-D to those uses that contribute to the existing 5 ppm tolerance for residues of 2,4-D in or on citrus fruits, to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) Tolerances are established for residues of the herbicide, plant regulator, and fungicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on raw agricultural commodities as follows: 5 parts per million in or on apples, citrus fruits, pears and quinces. The tolerance on citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester and from the postharvest application of 2,4-D alkanolamine salts to citrus fruits, and from the postharvest application of the 2,4-D isopropyl ester to lemons.

* * * * *

[FR Doc.76-10149 Filed 4-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20749, RM-2484]

OSAGE, IOWA; FM BROADCAST STATIONS

Table of Assignments

(a) Petition for rule making, filed October 30, 1974, by Harold A. Jahnke, proposed to assign FM Channel 224A to Osage, Iowa, as its first local aural service. This channel may be assigned without affecting any existing FM assignments.

(b) Recently, the Commission amended the FM Table of Assignments by deleting Channel 285A from Charles City, Iowa, and by substituting Channel 240A in its place. In the same proceeding, the Commission ordered Station KCHA-FM, owned by Radio, Inc., to cease operating on Channel 285A at Charles City, Iowa, by February 1, 1974. Second Report and Order, Docket No. 19401, 39 F.C.C. 2d 452 (1973).

(c) Aware of the fact that Station KCHA-FM was continuing to operate on Channel 285A at Charles City after February 1, 1974, the petitioner, Harold A. Jahnke, proposed as an alternative that Channel 240A be assigned to Osage. Radio, Inc., filed a comment on January 8, 1975, in which it agreed with the alternative proposal to assign Channel 240A to Osage provided that it is permitted to retain its existing license to operate on Channel 285A. However, this alternative proposal will not be subject to further consideration because the Commission recently ordered KCHA-FM to cease operations on Channel 285A and to make arrangements to begin broadcasting on Channel 240A at Charles City. See File No. BPH-8644 and BPH-8963, Mimeo No. 39633, March 9, 1976.

2. *Demographic Data:*

(a) *Location*—Osage, the seat of Mitchell County, Iowa, is located approximately 110 miles north of Des Moines, Iowa, and 130 miles south of Minneapolis-St. Paul, Minnesota.

(b) *Population*—(1970 U.S. Census)—Osage, 3,815; Mitchell County 13,108.

(c) *Present Aural Services*—There is no local broadcast station in Osage or in Mitchell County, Mason City, the seat of Cerro Corro County, Iowa, approximately 23 miles southwest of Osage, has three AM stations—KGLO (Class III, unlimited time); KRIB (Class IV, unlimited time); KSMN (Class II, daytime-only). Mason City is also the community of license of Station KLSS(FM), Channel 291. Charles City, the seat of Floyd County, Iowa, approximately 17 miles southeast of Osage, has AM Station KCHA (Class II, daytime-only) and KCHA-FM (Channel 240A), both licensed to Radio, Inc.

(d) *Economic Considerations*—Petitioner has submitted a Supplement to Petition for Rule Making which states that the City of Osage is the largest trading center in Mitchell County. We are told that Osage has thirty retail stores and seven farm equipment dealers which regularly attract shoppers from communities fifteen miles from Osage. Petitioner alleges that Osage is the medical center for Mitchell County because Osage has the county's only hospital. Petitioner also points out that Osage, as the county seat, is the headquarters for all county offices, the courthouse, and the local offices of state agencies like the Iowa Farm Bureau and of federal agencies like the Agricultural Stabilization and Conservation Service and Soil Conservation Service. Finally, petitioner adds that Osage is one of only a few cities in its population class in Iowa to record an increase in population since the 1960 Census.

3. *Preclusion Considerations*—Because this Notice proposes a first FM assignment to a small community, not located near a large population center, no preclusion study was required. Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

4. *Minimum Mileage Separation*—The Notice's proposal requires that the transmitter site for Channel 224A be located at least 2.3 miles northwest or west of Osage in order to comply with the Commission's 65-mile minimum spacing requirement with respect to second adjacent Channel 22 (KOEL-FM) at Oelwein, Iowa.

5. In view of the above, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations with regard to Osage, Iowa.

City, Osage, Iowa; Channel No.: Present, none, proposed 224A.

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before May 11, 1976, and reply comments on or before June 1, 1976.

Adopted: March 26, 1976.

Released: April 1, 1976.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
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 § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.76-10098 Filed 4-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 205 and 213]

GUIDELINES FOR GRANTING EXCEPTION RELIEF FROM THE MANDATORY OIL IMPORT PROGRAM

Rulemaking and Request for Public Comment

On August 15, 1975, the Federal Energy Administration (FEA) issued regulations amending Part 205 (Administrative Procedures and Sanctions) in order to abolish the Oil Import Appeals Board and consolidate its functions with the Office of Exceptions and Appeals (40 FR 36554, August 21, 1975). The purpose of this action was to enable the agency to administer the exceptions and appeals process in a uniform and consistent manner. However, the FEA specifically stated in the Preamble to those regulations that it would "be FEA's policy to follow the basic approach of the Oil Import Appeals Board" rather than the general criteria applicable with respect to exceptions from other FEA programs.

It has been FEA's experience, however, that using the "basic approach" of the Oil Import Appeals Board has led to the perpetuation of inequities in the Mandatory Oil Import Program which cannot be remedied effectively so long as this approach continues to be followed. Therefore, FEA hereby announces its intention to amend Chapter II, Title 10 of the Code of Federal Regulations, by adding an Appendix to Subpart D of Part 205 (Exceptions), the purpose of which will be to establish new guidelines for granting exceptions from Part 213 (Oil Import Regulations) which are more equitable, and are also consistent with the criteria for relief set forth in Section 5 of the Proclamation. The FEA intends to implement these guidelines in connection with its consideration of all applications which request exception relief for the allocation period commencing May 1, 1976, and for subsequent periods.

Background. Under the precedents of the Oil Imports Appeals Board, which FEA indicated it would follow when it abolished the Board, certain classes of importers—notably utilities and other end-users—were denied access to fee-exempt allocations. This denial was based on the premise that benefits under the Program should accrue to those actually in the petroleum refining and marketing business, and that unless fee-exemptions were so restricted, there would be no equitable means of discriminating among all other potentially eligible applicants. As a result, fee-exempt allocations were not granted to many importers who experienced hardship conditions substantially similar to those of importers receiving allocations.

In order to rectify this situation at least two options are available. First, the FEA can depart from the Board's practice by granting fee-exempt allocations to any importer demonstrating "exceptional hardship" under the standards presently applied, irrespective of whether such importer is in the petroleum refining or marketing business. This option has a serious drawback, however, in that under the present standards, so many importers might receive fee-exemptions that the purposes of the fee, which are to discourage imports and to promote refinery construction, would be undermined. Under the second available option, FEA can depart from the Board's practice in another direction, and by making the standards for granting a fee-exempt allocation consistent with its decisions in other matters in which a hardship standard is also applied, permit all importers, irrespective of whether they are in the petroleum refining or marketing business, to be eligible for hardship exceptions.

FEA has determined that the second approach to removing the current inequities in the Program is preferable, in that it permits the fee system to continue to be an effective instrument for discouraging imports, and at the same time allows all classes of importers for whom payment of the fee is a genuine burden to be eligible for fee-exemptions as provided in Section 5 of the Proclamation. In addition, the new standards applicable to granting exceptions from Part 213 will be made consistent with the standards generally applicable in evaluating exceptions from other FEA regulations.

Proposed Guidelines for Granting Exceptions from Part 213. Under the proposed guidelines, which would appear as the second appendix to Subpart D of Part 205, the Office of Exceptions and Appeals would decide applications for exceptions from Part 213, which are based on a claim of exceptional hardship, by considering the principles set forth in the Decisions and Orders issued with respect to applications for exception from other generally applicable FEA regulations, to the extent that such precedents are relevant and consistent with Proclamation No. 3279, as amended. This body of precedent has been published and made generally available in the Federal Energy Guidelines. However, FEA would also give particular weight to the following factors in connection with applications for exception from Part 213:

1. Whether payment of the fee (or other action required under Part 213) would lead to a result unintended by Proclamation No. 3279, as amended, or would impede important national energy policy objectives.

2. Whether payment of the fee (or other action required under Part 213) would so affect the operations of the firm applying for exception relief as to cause a significant reduction in service or threaten interruptions in service to present customers.

3. Whether payment of the fee would adversely affect the firm applying for exception relief in a manner which threatens its financial viability in terms of its profitability, liquidity, or the stability of its operations, or would significantly reduce competition in a market in which the firm operates.

4. Whether the firm applying for exception relief is likely to incur a significant deterioration in its current operating posture in contrast with historic levels as a result of its inability due to competitive conditions to increase its prices to reflect import license fees.

These considerations, as well as the others derived from precedents under Subpart D, would provide only guidelines for establishing "exceptional hardship" under Section 5 of Proclamation No. 3279, as amended, as implemented in § 205.50(a)(2) of FEA regulations. They are not meant to, and under the law cannot, enhance or diminish the scope of relief provided by the Proclamation. Their purpose is only to permit the Proclamation to be interpreted in a manner which increases FEA's ability to provide equitable relief from the Mandatory Oil Import Program, without decreasing the Program's effectiveness.

Procedural Amendment of § 213.26. In accordance with the foregoing, FEA proposes to revise § 213.26 to facilitate the transition to the new guidelines. Under the revised § 213.26, applications for exception from Part 213 based on a claim of exceptional hardship, which request exception relief with respect to the allocation period beginning on May 1, 1976 or any allocation period subsequent thereto, shall be considered in accordance with the new guidelines.

In addition, FEA proposes to amend § 213.26 to provide that appeals from an adverse determination of an exception request, and from such actions of the Director of Oil Imports as are specified in § 205.100(a)(2), shall be filed within thirty days of such adverse determination. At present, Part 213 lacks a time period during which appeals may be considered timely under Subpart H of Part 205 (Appeals).

Finally, FEA proposes to amend § 205.100(a)(2)(ii) in order to correct the reference to the provision providing for refunds from license fees. Since the revision of § 213.35 in accordance with the elimination of the supplemental fee, refunds are made under § 213.35(d) rather than § 213.35(e) as stated in § 205.100.

Interested persons are invited to submit written data, views, or arguments with respect to these amendment to Executive Communications, Room 3309, Federal Energy Administration, Box GE, Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Guidelines for Exceptions from Part 213." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., April 20, 1976, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

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.

Public hearings with respect to these amendments, will be held beginning at 9:30 a.m., e.d.s.t., on April 23, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C. Any person who has an interest in these changes, or who is representative of a group or class of persons which has such an interest, 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.d.s.t., April 14, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he 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 may be contacted through April 21, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., April 16, 1976, and must submit 100 copies of his statements to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., April 21, 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 persons may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., April 21, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspecting in the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

The Administrator of the Environmental Protection Agency (EPA) has reviewed this proposal in accordance with the review provisions of Section 7(c)(2) of the Federal Energy Administration Act of 1974, providing for submission of proposed rules for comment by the Administrator. He has advised FEA that he has no comment.

Finally, this proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

[Federal Energy Administration Act of 1974, P.L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87-794, as amended; Proclamation No. 3279, as amended].

In consideration of the foregoing, it is proposed that Parts 205 and 213 of Chapter II, Title 10 of the Code of Federal Regulations be amended as set forth below.

Issued in Washington, D.C., April 2, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 205.50 is amended in paragraph (a)(2) by redesignating clause (ii) as clause (iii), and by inserting a new clause (ii) to read as follows:

§ 205.50 Purpose and scope.

(a) * * *
(2) * * *

(ii) In its consideration of any application filed pursuant to this subparagraph (2), which is based on a claim of exceptional hardship in accordance with clauses (i) (A), (C), and (D) hereof, the FEA shall, subject to the provisions of § 213.26, follow the guidelines set forth in Appendix II of this Subpart.

* * * * *

2. The Appendix to Subpart D following § 205.58 is redesignated "Appendix I—Applications for Exceptions by Persons Affected by Part 213," and a further Appendix immediately following thereon is added to read as follows:

APPENDIX II—GUIDELINES FOR THE DISPOSITION OF REQUESTS FOR EXCEPTIONS FROM PART 213

In its consideration of any application filed pursuant to § 205.50(a)(2) which is based on a claim of hardship in accordance with clauses (i) (A), (C), and (D) thereof, the FEA shall consider the principles set forth in the Decisions and Orders issued with respect to applications for exception from other generally applicable FEA regulations to the extent that such precedents are relevant and consistent with Proclamation No. 3279, as amended, and shall give particular weight to the following factors:

1. Whether payment of the fee (or other action required under Part 213) would lead to a result unintended by Proclamation No. 3279, as amended, or would impede important national energy policy objectives.

2. Whether payment of the fee (or other action required under Part 213) would so affect the operations of the firm applying for exception relief as to cause a significant reduction in service or threaten interruptions in service to present customers.

3. Whether payment of the fee would adversely affect the firm applying for exception relief in a manner which threatens its financial viability in terms of its profitability, liquidity, or the stability of its operations, or would significantly reduce competition in a market in which the firm operates.

(4) Whether the firm applying for exception relief is likely to incur a significant deterioration in its current operating posture in contrast with historic levels as a result of its inability due to competitive conditions to increase its prices to reflect import license fees.

3. Section 205.100(a)(2)(ii) is amended to read as follows:

§ 205.100 Purpose and scope.

(a) * * *
(2) * * *

(ii) Denial of refunds pursuant to Section 213.35(d) of license fees, whether in whole or in part, theretofore paid by a person.

* * * * *

4. Section 213.26 is revised to read as follows:

§ 213.26 Exceptions and appeals.

(a) Effective August 15, 1975, the Oil Import Appeals Board is abolished, and procedures for exceptions from any regulation, ruling, or generally applicable requirements under this Part, and for appeals from the disposition of applications therefor and from such actions of the Director as are specified in § 205.100(a)(2), are established in Part 205.

(b) Applications for exception from this Part 213 shall be filed in accordance with Subpart D of Part 205. Appeals from the disposition thereof, and from such actions of the Director as are specified in § 205.100(a)(2), shall be taken, in accordance with Subpart H of Part 205, within thirty (30) days of the disposition of the application for exception or of the action of the Director, whichever is applicable.

(c) Applications for exception which are filed in accordance with § 205.50(a)(2), are based on a claim of exceptional hardship in accordance with clauses (i) (A), (C) and (D) thereof, and request relief for the allocation period beginning on May 1, 1976 or any allocation period subsequent thereto, shall be considered in accordance with Appendix II of Subpart D of Part 205.

[FR Doc.76-10024 Filed 4-5-76;12:18 pm]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505a]

[No. 76-242]

GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

Proposed Routine Use of Records Maintained on Individuals

MARCH 31, 1976.

Pursuant to the Privacy Act of 1974, 5 U.S.C. §§ 552a(a)(7) and (e)(11) (1974), the Federal Home Loan Bank Board proposes to add the following as a routine use to each of its systems of records published on pages 39057 through 39072 of the FEDERAL REGISTER of August 27, 1975:

Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by May 10, 1976, as to whether this proposed notice should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-10107 Filed 4-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Docket No. R-0030; Reg. Y]

BANK HOLDING COMPANIES

Issuance of Payment Instruments Notice of Proposed Rulemaking

The Board of Governors has received two applications filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1848(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for prior approval to acquire (retain) shares of companies to be engaged in the issuance of certain payment instruments. The activities which are the subject of the two applications have not previously been determined by the Board of Governors to be closely related to banking.

(1) Citicorp, New York, New York, has applied to acquire voting shares of Citicorp Services, Inc., New York, New York, and thereby to engage de novo in the activity of issuing and offering on a consignment basis, general purpose variable denominated payment instruments to vendors or agents who would then sell

the payment instruments to the general public. The denominations of the payment instruments would be specified by the purchasers.

(2) Republic of Texas Corporation, Dallas, Texas, has applied to retain the shares of Republic Commerce Company, and thereby to retain indirect ownership or control of shares of Republic Money Orders, Inc., and Republic Money Orders of California, Inc. Applicant proposes to continue to engage in the activity of issuing money orders to third party agents who would then sell the money orders to the general public.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, acquire "shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

Money orders and variable denominated payment instruments are substitutes for such other payment media as currency, personal checks, certified checks, and cashiers checks. Although there are some technical differences between money orders and variable denominated payment instruments, they are similar in their essential characteristics and purpose. Accordingly, it appears appropriate to consider the two proposals together. The Applicants state that the respective proposed activities are so closely related to banking as to be a proper incident thereto.

In connection with these applications, the Board will also consider amending its Regulation Y (12 CFR 225.4(a)) to add the activity of issuing payment instruments of this type to the list of activities the Board has previously determined to be closely related to banking. Interested persons may express their views on the question of whether the issuance of money orders and variable denominated payment instruments is so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Interested persons may also express their views on the question of whether consummation of the individual subject proposals 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 requests for a hearing on these questions 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 applications may be inspected at the offices of the Board of Governors. In addition, the application of Citicorp is available for inspection at the Federal Reserve Bank of New York; and the application of Republic of Texas Corporation is available for inspection at the Federal Reserve Bank of Dallas.

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 April 30, 1976. All material submitted should include the docket number R-0030.

Board of Governors of the Federal Reserve System, March 26, 1976.

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

[FR Doc.76-10037 Filed 4-7-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 443]

HEALTH SPAS

Extension of Time To Propose Disputed Issues of Fact on Proposed Trade Regulation Rule

Notice of opportunity to propose disputed issues of fact regarding the proposed Trade Regulation rule concerning Health Spas was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34615). The Notice also sets forth the text of the proposed rule and a statement of reason for the proposed rule.

In response to a motion by Commission staff counsel supporting the proposed Health Spa Rule, the Presiding Officer has determined, pursuant to the authority of § 1.13(c)(1) of the Commission's procedures and rules of practice to extend the time for proposing disputed issues of fact beyond the present closing date of March 18, 1976. This extension is granted to afford staff counsel supporting the proposed rule to seek from the Commission further investigative authority under the provisions of § 6(b) of the Federal Trade Commission Act and to allow further time for the collection and placing on the public record of the rulemaking proceeding added information and data pertinent to the proposed rule. Accordingly, the record in this matter will remain open for the purpose of proposing disputed issues of fact until August 2, 1976.

Proposed disputed issues of fact concerning the proposed Rule should be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: April 2, 1976.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.76-10080 Filed 4-7-76;8:45 am]

[16 CFR Part 456]

ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

Final Notice of Proposed Trade Regulation Rule Proceedings

Correction

In FR Doc. 76-9442 appearing at page 14194 in the issue of Friday, April 2, 1976, in the 3rd column, paragraph designated No. 2, in the 3rd line, the spelling of Celebreeze should read * * * "Celebrezze".

In line 11, the spelling of Celebreeze should read * * * "Celebrezze".

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM76-5]

FILING OF PERIODIC REPORTS BY THE UNITED STATES POSTAL SERVICE

Proposed Amendments to Rules of Practice and Procedures

APRIL 5, 1976.

Notice is hereby given that the Postal Rate Commission is considering rulemaking action for the purpose of amending its rules of practice and procedure to include a new Subpart G—Rules Applicable to the Filing of Periodic Reports. The proposed amendment (39 CFR §§ 3001.101, 3001.102) is attached to this notice (Attachment A).

Currently, a majority of the data which the Commission receives from the United States Postal Service (Postal Service) is obtained only when a rate request is pending before the Commission. The present requirements of rule 54 (39 CFR § 3001.54) and the Commission's regulations relating to interrogatory procedures and the discovery porcess have enabled the Commission and the participants in rate proceedings to obtain much of the data required to evaluate a request for increased postage rates and fees. However, the existing method of obtaining data, especially as regards discovery and the interrogatory process, is necessarily conducted on an ad hoc basis and is subject to all the pressures and exigencies of a rate case environment. If the Commission is to better fulfill its statutory responsibilities—particularly with respect to the Postal Reorganization Act's directive that we expedite our proceedings consistent with procedural fairness to the parties appearing in them [39 U.S.C. § 3624(b)]—it must be continually and fully familiar with these data. To do this the Commission believes that it must improve the present method of obtaining data from the Service.

At the present time, the Commission is aware of the existence of a number of reports routinely compiled by the Postal Service. The Postal Service also compiles manuals and handbooks which are necessary to understanding and analyzing such reports. It would appear that these documents would be useful for the purpose of evaluating Postal Service operations which are the subject of cost analyses presented in proceedings before the Commission. If these documents were to be obtained by the Commission as they were completed (and were made publicly available at the Commission's offices) it is anticipated that the Commission and the numerous interested parties appearing in our formal proceedings would then have an opportunity to evaluate the data contained in the documents on an ongoing basis rather than solely during a rate proceeding.

In addition to providing the Commission with a better opportunity for keeping abreast of the changing factors which will affect the execution of its regulatory functions, other benefits are likely to result if these reports were to be made available to the Commission. Since these data are necessary for evaluating a rate request, their early accessibility may aid in expediting rate proceedings. Relying solely on interrogatories and the discovery process to obtain information consumes time, both because data must initially be requested of the Service and, thereafter, additional time is expended while the Service responds. If the data which are the subject of this rulemaking were on file with the Commission, the time needed by the Commission and the parties would likely be reduced because of the ready availability of information.

The particular Postal Service documents which are the subject of this rulemaking are set out in Attachment B. These documents should not be considered as an exhaustive listing of data sources which will aid this Commission in better fulfilling its statutory functions. Rather, this proposal should be viewed as an initial effort in an evolutionary process to improve the postal data base available (1) to the Commission and (2) to participants in formal proceedings before the Commission.

Included with the titles of the documents which are the subject of this proposed rulemaking is a brief description of the data contained in each and its frequency of publication. Also included is a short explanation of the relevance of each report to requests for changes in postal rates and fees.

The Commission invites all interested persons to submit their comments on its proposal for requiring the Postal Service to file the above-described reports with this Commission. Counterproposals and suggestions are also invited.

Comments may be filed on or before April 23, 1976. Any replies to such comments are to be filed on or before May 7, 1976. For all comments, an original and 19 fully conformed copies of written data, views or arguments pertaining thereto must be filed with the Commission. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it in addition to the comments invited in this notice.

Authority for this rulemaking proceeding is contained in 39 U.S.C. §§ 3603, 3622, and 3623.

By direction of the Commission.

[SEAL] JAMES R. LINDSAY, *Secretary.*

Subpart G—Rules Applicable to the Filing of Periodic Reports by the United States Postal Service

§ 3001.101 Applicability and General Policy.

The rules in this subpart identify the reports, financial statements and cost analyses which the Postal Service will file with the Commission on a periodic basis.

§ 3001.102 Filing of Reports.

(a) *Annual reports.* The following reports will be filed by the Postal Service annually:

(1) Revenue and Cost Analysis Report.
(2) Incremental Cost Analysis.
(3) Revenue and Expense Statement.
(4) Certified Financial Statement.
(5) Non-volume Workload Changes.
(6) City Delivery Annual Re-evaluation.
(7) Revenue Requirement Summary.
(8) Consolidated Rural Route Evaluations.
(9) Regional Operating Plans Summary.
(10) Civil Service Retirement Fund Deficit Report.

(b) *Quarterly reports.* The following reports will be filed by the Postal Service quarterly:

(1) Revenue, Pieces and Weight Report.
(2) Origin/Destination Information Report.
(3) Workmen's Compensation Report.
(4) Before/After COLA Cost Report.[1]

(c) *Accounting period reports.* The following reports will be filed by the Postal Service for each accounting period:

(1) Cash Flow Forecast.
(2) Investment Income Report.
(3) Summary Financial and Operating Report.
(4) National Payroll Hours Summary Report.
(5) Cost Reduction Programs/Tracking System.
(6) Management Operating Data Summary (Report A).

(d) *Miscellaneous reports.* The following reports will be filed by the Postal Service as they are updated on an irregular basis.

(1) Before/After Pay Increase Reports.
(2) F–8 Handbook (General Classification of Accounts) and All Manuals Relating to Internal Information Systems Used to Support Requests Filed Pursuant to 39 U.S.C. §§ 3622, 3623.[2]

REVENUE AND COST ANALYSIS REPORT

This report is an annual statistical summary of income and costs for the twenty Postal Service cost segments. Data provided in this report include the following:

1. Attributable costs by class of mail.
2. Contribution to institutional costs by class of mail.
3. Direct and indirect costs by class of mail.
4. Longer-run variable costs.
5. "Specific fixed" costs.
6. Statistics on mail volume by piece and weight.
7. Attributable costs by segments and certain functional components—by aggregated totals.
8. Variable (direct and indirect) costs for each cost segment.
9. Total accrued cost by segment.
10. Institutional costs by segment.

The report provides current summary data necessary to trace Postal Service costs by segments, certain functions, and crafts to the classes of mail. The availability of Revenue and Cost Analysis data will thus provide an up-to-date basis which will aid the Commission in its review process.

Data from this report will also provide the source material necessary to develop time-series analyses required to ascertain significant changes in Postal Service costs occurring as a result of volume changes, increased mechanization, new operating methods, and other factors.

INCREMENTAL COST ANALYSIS

This annual report provides source data on postal costs by segments, crafts, functions, and classes of mail. The data includes cost identification on the basis of direct variable causation and indirect causation. Included in the report is an identification of costs, in disaggregated subelements, such as truck terminals, heavy duty rural routes, etc.

The data included in the Incremental Cost Analysis are required to test the extent of variability of segment costs.

Additionally, the data are needed to properly monitor the cost behavior of variable direct and indirect costs in relation to indirect overhead and fixed costs.

STATEMENT OF REVENUE AND EXPENSES

The Revenue and Expense Statement is an annual report which provides a complete financial statement of source of funds and, also, resource utilization of funds by cost segment and operating classifications. In addition to providing data on total revenue and operating receipts, the statement shows the net surplus/deficiency of postal operations on a fiscal year basis.

This statement provides the summary data necessary to permit analysis of the year-end financial condition of the Postal Service, and the relative contributions made by each revenue source.

CERTIFIED FINANCIAL STATEMENTS

The Certified Financial Statements, which are issued on an annual basis, provide standard data, in accordance with Generally Accepted Accounting Principles, reflecting the financial status of the Postal Service as of the close of the current, and preceding, fiscal year. It also provides the results of operations during the current and preceding fiscal years. In Docket No. R76–1 this report appears as Postal Service Exhibit 33.

Certified Financial Statements, particularly with the extensive notes and exceptions which usually accompany them, constitute the base against which all analyses are reconciled. They also provide the basic financial history and condition of the Service.

NON-VOLUME WORKLOAD CHANGES

This report, which is issued on an annual basis, appears as Postal Service Exhibit 30 in Docket No. R76–1. It contains

[1] Issued semi-annually.
[2] *See* Attachment B, p. 10, note 1, infra.

projected cost changes resulting from non-volume workload factors for eleven of the twenty cost segments. The projected changes are, in part, based on indirect cost factors which influence future cost behavior (number of post offices, number of stops, route miles, number of stations, square feet in facilities, number of patrons served).

Support data underlying non-volume workload cost changes include regional budgetary estimates, delivery service reports, and various other internal reporting systems.

Because this report provides cost and operating details of the Service, its availability will permit the Commission to engage in a knowledgeable analysis of major cost items. It will also enable the Commission to analyze the effect of important non-volume changes on those costs.

CITY DELIVERY ANNUAL RE-EVALUATION

This annual report provides statistics covering changes in the number of city delivery routes and the growth of the city delivery network. The statistics provide data by type of route (e.g., residential, business, etc.) and show changes in stops, coverage, delivery route requirements, patrons served, and territory covered.

The information made available in this report would enable the Commission to construct a long-run sensitivity analysis to determine the correlation between city delivery street time cost and the delivery network. The analysis would cover the possible relationship of functional street time activity costs to exogenous factors (growth, population) as well as to endogenous factors (volume, mail mix, etc.).

REVENUE REQUIREMENT SUMMARY

This annual report provides financial data in summary form on revenues received from operations, appropriations for public service and free and reduced rate mail, adjustments in the overall revenue requirement resulting from changes in mail volume and other factors. In the current rate proceeding, Docket No. R76-1, this report appears as Postal Service Exhibit 26.

This report provides the necessary summary data to permit analysis of changes in the Postal Service revenue requirement prior to the filing of a rate request. It also may be used to determine and analyze the relative proportion of change resulting from mail volume, appropriations, etc.

CONSOLIDATED RURAL ROUTE EVALUATIONS HEAVY DUTY VERSUS REGULAR

The information included in consolidated rural route evaluations provides source data on the "mix" of heavy duty versus regular rural routes and the cost changes resulting from reclassification of "mileage" (regular) routes to "heavy duty" routes. The evaluation provides data on volume factors and population factors affecting the reclassification and costs of rural routes and the number of stops associated with heavy duty and regular rural routes.

The data included in the consolidated rural route evaluation annual report are necessary for the Commission to conduct analysis on attributable and institutional cost assignments and to develop volume variability differentials, if any, associated with rural route cost changes.

REGIONAL OPERATING PLANS SUMMARY FOR APPLICABLE COST SEGMENTS

The Regional Operating Plans Summary is a consolidated annual report prepared from regional annual estimates of costs resulting from operating and service changes. The information provided in the summaries underlies the accrued costs for eight or more separate cost elements included in the Service's overall revenue requirement. The assumptions underlying the changes are outlined in detail, including changes of non-volume workload impacting on total accrued costs.

This summary provides current data required to analyze annual changes in accrued costs resulting from various programs and other non-volume factors. The assumptions underlying the changes can be identified and compared to alternative sources so as to test the reasonableness and validity of the changes in accrued costs.

CIVIL SERVICE RETIREMENT FUND DEFICIT UPDATE OF ACCRUED LIABILITY

The Civil Service Retirement Fund deficit provides an annual update of the Service's accrued unfunded liability resulting from postal wage increases. The additional incremental unfunded liability incurred as a result of general salary increases are amortized over a 30-year period in equal annual installments. The data include present value interest rates used to determine the total liability applicable for each increase; the number of active employees affected by liberalization of benefits; and other data required to determine the total and installment portion of the liability.

The Commission believes that specific data which identify basic assumptions underlying the estimate of additional costs for the Civil Service Retirement Fund deficit are required to evaluate the Service's total revenue requirement. The data are thus necessary to analyze future incremental changes in the unfunded liability and its impact on the cost attribution level to be borne by current mail users.

RPW REPORT

This report is a quarterly statistical summary of total revenue, pieces, and weight for each class of mail and special service. Data provided in the report include:

1. Volume trends by class of mail and special service.
2. Revenue trends by class of mail and special service.
3. Weight trends by class of mail and special service.
4. Seasonal variances in volume by class of mail and special service.

The RPW report supplies the essential components of basic historical postal data, as well as the means for making forecasts. It provides a method for analyzing the impact of rate changes on the various classes of mail.

This report is valuable for purposes of monitoring and analyzing the extent of demand elasticities of particular subclasses of mail and, also, the relationship of one subclass to another. The RPW report also supplies the data to permit study of unit cost changes resulting from peak versus average or below average volume periods.

Additionally, this report provides the data needed for multiple regression analyses.

Finally, the data contained in this report can be utilized to calculate the revenue by postage unit for each mail class.

ORIGIN/DESTINATION INFORMATION SYSTEM (ODIS) REPORT

This report, issued on a quarterly basis, covers first-class mail, airmail, priority, parcel post, and other fourth-class mail. For each of these subclasses, the report indicates the average days-to-deliver and distance. The report thus provides a quality of service analysis on a national and regional basis.

This report supplies the quality of service data needed by the Commission to analyze the relationship of costs to service standards. Future programs which may change nationwide delivery goals (e.g., upgrading of first-class mail service or elimination of Saturday deliveries) can be evaluated only by reference to ODIS data.

WORKMEN'S COMPENSATION—PRELIMINARY ESTIMATE RUN—ACTIVE CASE LIABILITY

The Workmen's Compensation report is issued quarterly and provides detailed data on the accrued liability of the Postal Service of on-the-job injuries of postal employees which are paid by the Department of Labor and reimbursed by the Postal Service. The data is developed from a claims history file which is used as input to a cost model. The cost model projects the total liability resulting from specific types of accidents. The assumptions underlying the potential total liability include age of employee, type of injury, inflation factors for medical care, present value discount rates and exponential smoothing formulas. The interaction of all these factors determines the potential accrued liability for workmen's compensation.

The Workmen's Compensation report provides data necessary to analyze and understand the ultimate accrual arising from cost model assumptions and the appropriate level of workmen's compensation liability to be reflected in the revenue requirement.

BEFORE/AFTER COLA COST REPORT

Before/After COLA Cost Reports, issued on a semiannual basis, provide detailed data on the cost impact resulting from changes in the Consumer Price Index (CPI). The reports include information on the percentage of cost change by employee designation (e.g., clerk, carrier, special delivery messenger, etc.) and

the overall impact of CPI changes on the productive hourly rate for specific craft employees.

Before/After COLA Cost Reports provide detailed data on cost level increases resulting from changes in the CPI. These reports provide important source data on the cost impact resulting from changes in the CPI.

CASH FLOW FORECAST

The Cash Flow Forecast report provides detailed data on the cash position of the Postal Service. The data include an accounting period breakdown of cash receipts, cash disbursements, borrowing proceeds and repayments, and appropriations. The forecast is issued for each Postal Accounting Period which is a period of four weeks. In the current proceeding, Docket No. R76–1, Postal Service Exhibit 26 is an aggregate, by quarter, of the data contained in these reports.

This report permits a complete understanding of the critical cash management problem as it affects, and is affected by, the Service's revenue and cost experience. It also provides the details of investments and borrowings. This information can then be used to provide interest income and expense trends which affect the revenue requirement.

INVESTMENT INCOME

The Investment Income report, issued each Postal Accounting Period, provides accounting period data on average investment balances and effective interest rates. In Docket R76–1 the data in these reports are aggregated by quarter and appear as Postal Service Exhibit 25.

These reports are the exclusive source for detailed information relating to items of interest income and debt service. This information is thus necessary to analyze the level of revenues which is necessary for the Service if it is to operate on a "break-even" requirement as provided by 39 U.S.C. § 3661.

SUMMARY FINANCIAL AND OPERATING REPORT

This report, issued for each Postal Accounting Period, provides financial data, on a national basis, in summary format. Some Regional data are also included. It sets out a balance sheet, revenue and expense totals for each Postal Accounting Period, the same Period of the previous year, and the year-to-date. There are also included additional tables showing personnel and production statistics and a tabulation of volume and revenue by class of mail.

This report provides a current data source to monitor the Service's operations through the year. It also provides the data for construction of short-term trend charts. These reports would thus enable the Commission to maintain its information on a current basis.

NATIONAL PAYROLL HOURS SUMMARY REPORT

This report provides work hour and paid hour data on full-time, part-time and casual employees. Data include the 3-digit sub-accounts for the various craft and non-craft employees. It also includes pay rates for various personnel by Cost Accounting Group, together with previous year and year-to-date figures. The report is issued for each Postal Accounting Period.

This report serves as a cross-reference to other data sources relating to average hourly rates by craft, trend comparisons, cost segment projections, and premium pay characteristics by craft. National Pay Hour Summary data will be of significant value in peak-load cost studies and similar analyses.

COST REDUCTION PROGRAMS/TRACKING SYSTEM

The Cost Reduction Programs/Tracking System provides data on cost reductions resulting from mechanization, operating changes, and other management decisions. The information supplied from this report includes comparisons of "targeted" versus actual cost savings resulting from major cost reduction programs. The information is identified to budgetary account on a regional and national basis. The report is issued each Postal Accounting Period.

This report provides the essential components of budgetary and program data, as well as the means for analyzing accrued/attributable costs resulting from program changes. The report supplies detailed data required to evaluate attributable and institutional cost changes resulting from postal network changes (e.g., Saturday delivery, bulk mail network, service improvement programs).

MODS MANAGEMENT SUMMARY (REPORT A)

The Management Operating Data Summary (Report A) provides data which show comparative trends in mail processing work hours for supervisors and non-supervisors and for other organizational elements such as customer services. The report, issued each Postal Accounting Period, includes data on overtime, pieces machine cancelled, pieces metered, pieces hand cancelled, and total first handling piece volume for letters, flats, and parcels.

The data included in the MOD Summary provide current information to study work hour trends in relation to planned work hours. The data on planned and actual work hours will provide the capability to analyze productivity trends and to analyze productivity changes resulting from mail mix factors.

BEFORE/AFTER PAY INCREASE COST REPORTS (NATIONAL FOR FIVE REGIONS)

The Before/After Pay Increase Cost Reports provide data on cost level increases resulting from scheduled pay increases for "bargaining" and "non-bargaining" postal employees. The reports include data on percentage cost changes by employee designation (e.g., Postmaster, Carrier, Clerk, etc.), and the overall impact on productive hourly rates for specific craft and non-craft employees. The issuance of these reports corresponds with systemwide changes in wage rates as set forth in the contract with the Postal Service.

Before/After Cost Reports provide detailed data on the comparative rate of cost level increases for each item of accrued cost and for certain institutional cost segments. These reports supply important source data for a significant portion of the estimated cost level changes underlying the Service's overall revenue requirement.

F–8 HANDBOOK (GENERAL CLASSIFICATION OF ACCOUNTS) AND ALL OTHER POSTAL SERVICE MANUALS RELATING TO INTERNAL SYSTEMS USED TO SUPPORT REQUESTS FILED PURSUANT TO 39 U.S.C. §§ 3622, 3623

Handbooks of this nature, particularly fiscal and methods handbooks, included detailed data on the accounting system of the Postal Service and the functional costs charged to these accounts. The handbooks identify costs by object classification including capital versus non-capital characteristics. The information includes a description of system input and output, source documentation and inter-face of accounting system data with the In-Office Cost System and other data systems, as well as the manner in which such data are used in developing accrued costs for use in ratemaking. These handbooks are updated as the Service deems necessary and are thus issued on an irregular basis.

The Commission also requests that the Postal Service routinely provide the Commission with a "master list'" of publications and handbooks such as that presently maintained as Regional Instructions: General Management 847–G–98, dated July 1, 1975, with filing number 141.

Initial filings of handbooks would be made upon request of the Commission's Secretary.[1] Updating errata and supplements would be filed automatically at the same time as they are released for internal Postal Service use.

Fiscal handbooks provide the basic details of the Service's accounting and financial systems. They provide the standard and constant reference source which describes how each transaction and financial item is treated in the Postal Service's accounting system. Thus, they provide background detail necessary to understand the accounting and financial systems of the Postal Service. A preliminary, but tentative list of the handbooks which we would expect the Postal Service to provide in response to the Secretary's request is as follows:

F–1 Financial and Cost Controls (looseleaf).

F–4 Examination of Postmasters Accounting Transactions (looseleaf).

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[1] The Commission recognizes that complete specificity regarding the particular handbooks which are the subject of this rulemaking cannot be achieved at this time. If adopted, we anticipate that the end-product of this rulemaking will include a specific description of each handbook included in the regulation. However, the actual list would not be made a part of the Commission's rules but would be maintained by the Secretary of the Commission and kept available for public inspection.

F-7 Revenue/Cost Analysis Studies and Tests at First- and Second-Class Post Offices (looseleaf).
F-8 General Classification of Accounts (looseleaf).
F-13 Revenue/Cost Analysis Studies at Third- and Fourth-Class Post Offices (looseleaf).
F-14 Revenue/Cost Analysis Mail Transportation Studies (looseleaf).
F-21 Timekeeper's Instructions (looseleaf).
F-24 Manual Payroll (looseleaf).
F-26 Property Accounting (looseleaf).
F-29 General Accounting Procedures (looseleaf).
F-30 Reconciliations (looseleaf).
F-33 Accounts Payable (looseleaf).
F-35 Revenue/Cost Analysis System for Estimating Revenue, Pieces and Weight of Domestic Mail—Field Operating Manual (looseleaf).
F-35A System for Estimating Revenue, Pieces and Weight of Domestic Mail—Data Collection Procedures (July 1973).
F-36A Procedures Manual for Continuous Control Subsystem of the In-Office Cost System (May 1973).
F-37 Revenue/Cost Analysis System for Estimating Revenue, Pieces and Weight of Domestic Mail (Headquarters Operating Manual) (looseleaf).
F-39 Personnel Service Center Coding and Procedures (looseleaf).
F-41 Vehicle Accounting (looseleaf).
F-44 System for Estimating Revenue, Pieces and Weight of Mail to Foreign Destinations (looseleaf).
M-37 Rural Carrier's Instruction Handbook (Dec. 1965).
M-39 Management of Delivery Services (looseleaf).
M-41 City Delivery Carrier's Duties and Responsibilities (looseleaf).
M-54 Mechanization Criteria—Multiposition Letter Sorting Machines (looseleaf).
M-55 Postal Source Data System Manual (looseleaf).
M-60 Origin-Destination Information System (looseleaf).
M-61 Origin-Destination Information System—Data Collection Procedures (Dec. 1972).
M-68 Express Mail Service (looseleaf).
M-69 Prevention of Damage to Mail (looseleaf).
M-32 Management Operating Data System for MOD 1 Offices.

[FR Doc.76-10079 Filed 4-7-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12285; File S7-611]

REPORTING AND INQUIRY REQUIREMENTS WITH RESPECT TO MISSING, LOST, COUNTERFEIT OR STOLEN SECURITIES

Extension of Comment Period

In Securities Exchange Act Release No. 12030 (January 20, 1976), the Commission announced a lost and stolen securities program and gave notice of proposed Rule 17f-1 regarding reporting and inquiry requirements with respect to missing, lost, counterfeit or stolen securities. The proposed rule would require financial institutions and others to report missing, lost, counterfeit or stolen securities within specified time periods to the Federal Reserve Bank or to the Commission, and to determine whether securities coming into their possession or keeping under certain circumstances have been reported as missing, lost, counterfeit or stolen.

The Commission in that release solicited public comment, particularly pertaining to whether the proposed rule adequately focuses on the lost and stolen securities problem, whether certain types of securities should be exempt from the reporting and inquiry requirements, whether the proposals for reporting and inquiry represent a reasonable program in light of existing securities processing practices and whether the Commission should designate another entity to operate the reporting and inquiry system and, if so, which entity, and on what basis. The Commission stated that the public comment period would expire on April 1, 1976.

It has come to the Commission's attention that certain interested members of the public may require more time in which to complete studies which they have initiated in order to respond to the Commission's solicitation of comments. The Commission has determined that it is appropriate in the public interest to allow sufficient time to complete these studies. Accordingly, the Commission hereby extends the period for public comment concerning the lost and stolen securities program and proposed Rule 17f-1 announced in Release No. 12030 from April 1, 1976 to June 1, 1976.

All comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than June 1, 1976. Reference should be made to File No. S7-611. All comments received will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 30, 1976.

[FR Doc.76-10111 Filed 4-7-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Death Pension—Apportionment

The Administrator of Veterans' Affairs proposes a regulatory change to Part 3 of Title 38, Code of Federal Regulations, relating to apportionment of death pension benefits.

Section 3107(b) of Title 38, United States Code, provides that pension, compensation or dependency and indemnity compensation payable to a widow (includes widower) may be apportioned for the deceased veterans' children who are not in the custody of the widow. Prior to enactment of Public Law 90-275 (82 Stat. 64), effective January 1, 1969, § 3.460 of Title 38, Code of Federal Regulations, set forth specific shares for widows in all apportioned death pension cases. The difference between the widow's share and the total amount of pension payable in the case is payable for the children, including those in as well as those out of the widow's custody. The amount payable for children in the widow's custody is added to the widow's share. Public Law 90-275 established a formula method for determining rates of pension payable under section 541 of Title 38, United States Code. The formula provided twenty-seven annual income levels which determined the basic rates of pension payable. It was deemed impractical to incorporate in the regulation specific apportioned shares compatible with the multiple rates of pension payable under section 541. Therefore, paragraph (c)(3) was added to § 3.460 which which provides that the apportioned shares payable on and after January 1, 1969, shall not be less than the apportioned shares specified in paragraph (c)(2) of the section. Paragraph (c)(2) specified apportioned widow's shares based on three annual income limitations in effect prior to January 1, 1969. Specific apportionment shares for widows were established as apportionment schedules incorporated in pension rate tables approved by the Chief Benefits Director and published in instructional media.

Due to subsequent statutory pension rate increases and changes in annual income limitations it is no longer practical to relate current apportionment rates to the rates specified in § 3.460(c)(2). The proposed amendment to § 3.460 deletes specific apportionment rates for all war periods. It provides that apportionments in death pension cases where entitlement is based on service during the Mexican border period or later war periods will be at rates approved by the Chief Benefits Director. Under this revision the apportionment schedules approved by the Chief Benefits Director will be the controlling guidelines in these cases. However, provision is made in the revised regulatory provision for authorizing apportionment at other rates under the special apportionment provisions of § 3.451, Code of Federal Regulations, in unusual cases where the facts and circumstances indicate more equitable distribution of the benefits available would be effected thereby. The amendment also provides, in lieu of specified apportionment rates, in claims based on service during the Civil War, Indian wars and the Spanish-American War, all awards in appropriate cases will be specially apportioned under § 3.451. Basic entitlement in these cases is based on the veteran having met the service requirements of Title 38, United States Code, and income of the claimant is not a factor. Because of the advanced age of potential claimants it is not anticipated that many, if any, new cases will be encountered in which apportionment will be required. However, in the event such cases are encountered the proposed regulatory provision permits equitable apportionment of benefits available based on the needs of the respective claimants instead of adhering to rigid regulatory rates.

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 May 10, 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 these amendments will be effective the date of final approval.

Section 3.460 is revised to read as follows:

§ 3.460 Death pension.

Death pension will be apportioned if the child or children of the decreased veteran are not in the custody of the widow or widower. Where the widow's or widower's rate is in excess of $70 monthly because of having been the wife or husband of the veteran during service or because of need for regular aid and attendance, the additional amount will be added to the widow's or widower's share.

(a) *Civil, Indian and Spanish-American wars.* Where pension is payable under 33 U.S.C. 532, 534, or 536 apportionment will be based on the facts in the individual case in accordance with § 3.451.

(b) *Mexican border period and later war periods.* Where pension is payable under 38 U.S.C. 541 (including laws in effect prior to July 1, 1960) apportionment will be at rates approved by the Chief Benefits Director except when the facts and circumstances in a case warrant special apportionment under § 3.451.

Approved: April 2, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-10171 Filed 4-7-76;8:45 am]

notices

DEPARTMENT OF THE TREASURY

Customs Service

CLEAR SHEET GLASS FROM ROMANIA

Antidumping Proceeding Notice

On March 9, 1976, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that clear sheet glass from Romania is being, or is likely to be, 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"). The information was filed by counsel acting on behalf of ASG Industries, Inc., Libbey-Owens-Ford Company, and PPG Industries, Inc.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. Available information indicates as significant increase in U.S. market share on the part of the Romanian imports has occurred, while the share of the U.S. market held by the domestic producers has undergone a corresponding decline. Other information indicates that the capacity utilization of the U.S. industry has declined substantially over the period 1974–1975. Further information indicates a deterioration of profits to the point of substantial losses; loss of industry jobs at a rate far in excess of job loss figures for all manufacturing industries; and that the margin by which domestic producers are being undersold by Romanian imports would be substantially reduced or eliminated were the price differential between prices in a non-state-controlled-economy country and for export to the U.S. from Romania eliminated.

Having conducted a preliminary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows: The information received tends to indicate that the prices of merchandise sold for export to the U.S. are less than the prices for home consumption in a non-state-controlled-economy country.

A concurrent claim was made by counsel for the aforementioned companies that colored sheet glass from Romania is being, or is likely to be, sold at less than fair value within the meaning of the Act. Because the submitted information did not indicate any attempt on the part of Romanian exporters to sell colored sheet glass in the United States; and because there is no record of imports of colored sheet glass from Romania over the period 1970–1975, an inquiry into the fact or likelihood of sales at less than fair value of colored sheet glass is not deemed appropriate.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

Dated: APRIL 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–10075 Filed 4–7–76;8:45 am]

Office of the Secretary

AC ADAPTERS FROM JAPAN

Antidumping; Withholding of Appraisement Notice

Information was received on September 19, 1975 from counsel acting on behalf of Power Conversion Products Council, alleging that AC adapters from Japan were being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service(an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of October 7, 1975 (40 F.R. 46420). For the purposes of this investigation, the term "AC adapter" does not include those AC adapters physically incorporated into another finished electronic product prior to exportation.

Tentative Determination of Sales at Less Than Fair Value. On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of AC adapters from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise, or constructed value, as applicable.

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

a. *Scope of the Investigation.* It appears that a majority of the subject merchandise from Japan was manufactured by D.C. Pack Co., Ltd., of Japan. Therefore the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price and constructed value. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related importers. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was appropriately used when such or similar merchandise was determined to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes. Due to the fact that certain models of AC adapters are manufactured to customer specifications, sufficient data could not be developed at this time for purposes of selecting comparable Japanese domestic models for comparison purposes. Accordingly, in these situations, purchase price was compared with constructed value as defined in section 206 of the Act (19 U.S.C. 165).

c. *Purchase Price And Home Market Price.* For the purpose of this tentative determination of sales at less than fair value, adjustments have been made in accordance with sections 203 and 205 of the Act. No adjustments were made for differences in circumstances of sales because the record is devoid of any claims made for such differences. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained covering sales of AC adapters in both the home and export markets of Japan during the 6 month period May 1, 1975, through October 31, 1975.

Home market sales were made on a delivered to customers place of business basis while all export sales were reported as being made on an f.o.b. basis. Accordingly, inland freight was deducted from the delivered prices in Japan to arrive at the appropriate fair values.

Constructed Value. Constructed value data was furnished by the Japanese manufacturer for certain models of AC adapters sold to the U.S. for which there appear to be no comparable home market models. Constructed value was determined to be the sum of the material and labor costs, general expenses equal to the statutory minimum 10 percent, profit equal to the statutory minimum of 8 percent, and the cost of all packing materials and labor.

d. *Result of Fair Value Comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise, or, as applicable, constructed value. Margins were tentatively found, ranging from 0–18 percent, on roughly 32 percent of the sales compared. The weighted average margin over all export sales investigated tentatively appears to be 7 percent.

Accordingly, Customs Officers are being directed to withhold appraisement of AC adapters from Japan in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

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

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than April 19, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than May 10, 1976.

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

Dated: April 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-10075 Filed 4-7-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Cancellation of Meeting

The scheduled meeting of the Armed Forces Epidemiological Board which was to be held on 16 April 1976 has been cancelled. The date for the rescheduled meeting will receive timely notice in the FEDERAL REGISTER when determined.

Dated: April 1, 1976.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc.76-10189 Filed 4-7-76;8:45 am]

Office of the Secretary

DEFENSE COMMUNICATIONS AGENCY

Mission, Organization and Functions

Pursuant to the provisions of Public Law 93-502, enacted November 21, 1974, notice is hereby given of revised DCA Circular 640-45-21 which was published on pages 12123 and 12124 of the Federal Register, Volume 32, Number 163 of August 23, 1967.

1. General—a. Creation and authority. The Defense Communications Agency (DCA) was established on May 12, 1960 as an agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense through the Joint Chiefs of Staff.

b. Mission. The Mission of the DCA is to:

(1) Perform system engineering for the Defense Communications System (DCS) and insure that the DCS is planned, improved, operated, maintained, and managed effectively, efficiently, and economically to meet the long-haul, point-to-point, and switched network telecommunications requirements of the National Command Authorities (NCA), the DoD, and, as authorized and directed, other governmental agencies.

(2) Provide system engineering and technical support to the National Military Command System (NMCS) and the Minimum Essential Emergency Communications Network (MEECN). Provide other engineering and technical support to the Worldwide Military Command and Control System (WWMCCS), as assigned.

(3) Perform system architect functions for current and future Military Satellite Communications (MILSATCOM) systems.

(4) Provide analytical and automated data processing (ADP) support to the Joint Chiefs of Staff, the Secretary of Defense, and other DoD components, as directed and authorized.

(5) Procure leased communications circuits, services, facilities, and equipment for the DoD, where authorized, and for other Government agencies as directed by the Secretary of Defense. Initiate or process actions relating to regulatory and tariff matters, including rates for communications facilities leased by the DoD.

(6) Perform those functions and carry out those responsibilities assigned by its Charter, DoD Directive 5105.19, and those functions and responsibilities assigned by such other directives issued by competent authority which are not explicitly addressed in DoD Directive 5105.19 or which may be issued to add, delete, or modify its contents.

c. Organization. The DCA consists of a Headquarters located at the Headquarters, DCA Compound, Eighth and South Courthouse Road, Arlington, Virginia and various field activities acting for the Director in assigned geographical areas of responsibility. The field organization also includes the White House Communications Agency, Defense Commercial Communications Office, Defense Communications Engineering Center, National Communications System/Defense Communications Agency Operations Center and the Command and Control Technical Center.

2. Functions—a. Director. The Director exercises world-wide direction and control of the DCA in the performance of all assigned responsibilities. The Director is responsible to the Secretary of Defense through the Joint Chiefs of Staff.

b. Vice Director. The Vice Director is responsible for providing assistance, advice, staff and administrative support to the Director, and in his absence, act for the Director. Serves as Vice Manager, National Communications System (NCS).

c. Chief Scientist/Associate Director, Technology. The Chief Scientist/Associate Director, Technology is the foremost scientific and technical authority for the Director, exercising for him, overall technical surveillance and evaluation of the complete span of technology and engineering.

d. Chief of Staff. The Chief of Staff coordinates the activities of the staff in accordance with general policies laid down by the Director. He provides guidance to the staff, ensures completed staff work, advises and assists the Director, and Vice Director, and acts for them as authorized.

e. Office of Counsel. The Counsel is the legal adviser to the Director and provides legal guidance and opinions on problems related to the Agency mission and the mission of the NCS.

f. Office of the Inspector General. The Inspector General is responsible to the Director for the formulation and execution of an inspection program which measures and reports on the adequacy of the Agency's overall mission performance, in accordance with established policies and direction.

g. Office of Equal Employment Opportunity. The Director of Equal Employment Opportunity is responsible for establishing, administering and maintaining a continuing affirmative Equal Employmet Opportunity program within DCA for civilian employees.

h. Commercial Communications Policy Office. The Chief of the Commercial Communications Policy Office advises the Director, the Vice Director, Headquarters, DCA staff officer, and the Commander, Defense Commercial Communications Office (DECCO) on policy, regulatory, procedural, and interface matters pertaining to services procured, or to be procured, from communications common carriers.

i. Secretariat, Military Communications-Electronics Board. The Secretariat provides staff support to the Chairman, Military Communications-Electronics Board.

j. Office of the Assistant to the Director for Administration. The Assistant to the Director for Administration is the principal adviser within the Agency on administrative matters, logistics, security, contract management and technical library services. He advises and assists the Director, DCA in the formulation and execution of the administrative plans and policies and for the operation of the DCA; provides guidance to staff elements of the headquarters and to field activities in the implementation of approved administrative plans and policies; plans, directs and monitors the development

and administration of programs in the areas of logistics, security, contract management, office and technical library services; plans for and directs effective building and space utilization, including emergency relocation; directs the preparation and administration of the headquarters operation and maintenance budget, except salaries.

k. Deputy Director, Systems Engineering. The Deputy Director, Systems Engineering is the principal adviser to the Director, DCA on matters concerning systems engineering for the Defense Communications System (DCS) to meet the requirements of the DoD for a reliable, survivable, secure, cost-effective, long-haul, point-to-point, and switched network telecommunications system and for other engineering as appropriate. He is also the Director of the Defense Communications Engineering Center (DCEC).

l. Plans and Programs Directorate. The Deputy Director, Plans and Programs, is the principal adviser to the Director, DCA, on the planning, programming, and management of systems acquisition and implementation for the Defense Communications System (DCS). His mission is to plan and program for the DCS in order to meet the requirements of the Department of Defense (DoD) for a reliable, survivable, secure, cost effective, long-haul point-to-point telecommunications system.

m. Operations Directorate. The Deputy Director, Operations is the principal adviser to the Director, DCA on matters concerning the management, evaluation, and operation of the Defense Communications System (DCS). Exercises operational direction and management control of the operating DCS. Manages the DCA Operations Control Communications Service Industrial Fund.

n. Comptroller Directorate. The Comptroller is the principal adviser to the Director on the financial, manpower, and general management programs of the Defense Communications Agency (DCA). The Comptroller is the Senior ADP Policy Official for DCA and as such monitors the development and maintenance of the data processing support programs for the DCA. In performing his assigned mission he supervises the Program and Budget Division, the Management Systems Division, the Organization and Manpower Division, the Resources Analysis Division and the Financial Services Division.

o. Assistant to the Director for Personnel. The Assistant to the Director for Personnel is responsible to the Director, DCA, for the planning, development, implementation, and evaluation of military and civilian personnel programs for the Agency. Provides overall indirect supervision over military personnel operations and civilian personnel administration within DCA. Supervises the development and implementation of programs for education, training, and career development of personnel assigned to the Agency.

p. Deputy Director, Command and Control. The Deputy Director, Command and Control is the principal adviser to the Director, Defense Communications Agency on subsystem engineering and technical support for the National Military Command System (NMCS), the WWMCCS Standard ADP Systems (WSAS), the Minimum Essential Emergency Communications Net (MEECN), and other systems, as assigned. He is also the Director of the Command and Control Technical Center.

q. Military Satellite Communications (MILSATCOM) Systems Directorate. The Deputy Director, MILSATCOM Systems, is the principal adviser to the Director, DCA, on developing the system architecture for all of DoD satellite communications. As such, he develops systems concepts and plans for MILSATCOM, performs general system engineering, is cognizant of the acquisition process and monitors funding and utilization of financial resources for MILSATCOM systems. Serves as technical adviser to the Director, Telecommunications and Command and Control Systems for MILSATCOM systems matters.

LEE M. PASCHALL,
Lieutenant General, USAF,
Director.

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

APRIL 1, 1976.

[FR Doc.76-10078 Filed 4-7-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTERS OF CONTROLLED SUBSTANCES

Registration

By Notice dated June 16, 1975, and published in the FEDERAL REGISTER on June 25, 1975; (40 FR 26719-26720), Applied Science Laboratories, Inc., 139 North Gill Street, Box 440, State College, PA 16801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug:	Schedule
3,4-Methylenedioxy amphetamine	I
Bufotenine	I
Diethyltryptamine	I
Dimethyltryptamine	I
Piminodine	II

No comments or objections have been received. Additionally, there are currently no registered domestic bulk manufacturers or applicants therefor, of the substances listed. The substances, if imported will be supplied exclusively for authorized research or as chemical analysis standards. Therefore, in accordance with 21 U.S.C. 952(a)(2)(B) and 21 CFR Section 1311.42, and pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: April 2, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-10090 Filed 4-7-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 653]

CALIFORNIA

Filing of Plat of Survey

APRIL 2, 1976.

1. A plat of survey of the following described land, accepted January 29, 1976, will be officially filed in the California State Office, Bureau of Land Management, Sacramento, California, effective at 10:00 a.m. on May 20, 1976:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 31 N., R. 4 W.,
Sec. 31, Lots 1 and 2;
Sec. 32, Lots 4, 5, 6, 7 and 8.

The area described totals 90.88 acres.

The plat represents a dependent resurvey of portions of the subdivisional lines and meander lines on the left bank of the Sacramento River and a survey of lands omitted from the original survey of T. 31 N., R. 4 W., Mount Diablo Meridian, California.

2. The area surveyed lies approximately six miles south of Redding, California, adjacent to the left bank of the Sacramento River. The land is relatively flat and lies partially within the flood plain of the river. It is covered with scattered valley oaks, cottonwood trees and riparian vegetation.

3. Subject to valid existing rights, the public lands are hereby opened to filing of petition, application and selection under the public land laws. All such valid applications received at or prior to 10:00 a.m. on May 20, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

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

[FR Doc.76-10083 Filed 4-7-76;8:45 am]

[CA 945]

CALIFORNIA

Order Providing for Opening of Lands

MARCH 29, 1976.

Pursuant to the order of the Federal Power Commission issued January 17, 1974 (39 FR 2634) and by virtue of the authority contained in Section 24 of the

Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, effective January 12, 1972 (37 FR 491) it is ordered as follows:

1. The Commission finds that the withdrawal dated October 17, 1922 for Project No. 337 no longer serves a useful purpose and vacates the withdrawal insofar as it pertains to the lands described as follows:

LASSEN NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 25 N., R. 2 E.,
Sec. 2, All;
Sec. 4, lots 1, 2, 3, 4, SE¼SW¼, S½SE¼.
T. 26 N., R. 2 E.,
Sec. 26, N½S½;
Sec. 34, SW¼NE¼, S½NW¼, SW¼ W½ SE¼;
Sec. 36, S½NE¼, S½.
T. 26 N., R. 3 E.,
Sec. 4, SW¼;
Sec. 5, SE¼;
Sec. 8, NW¼, NE¼SE¼, S½SE¼;
Sec. 9, NE¼NW¼, S½NW¼;
Sec. 17, Al;
Sec. 18, E½;
Sec. 19, lots 2, 9 (W½NE¼), 11 and 16 (E½SW¼);
Sec. 20, lot 2 (NW¼SW¼), E½NW¼, NE¼ SW¼, S½SW¼;
Sec. 29, W½;
Sec. 30, lots 7, 8, 11, 12, SE¼SE¼, SE¼;
Sec. 31, lots 1 through 12 (W½).

The area described aggregates 4,630.35 acres in Tehama County.

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

2. At 10 a.m. on May 10, 1976, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

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

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76–10103 Filed 4–7–76;8:45 am]

[NM 27748]

NEW MEXICO

Application

APRIL 1, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for two natural gas pipeline rights-of-way, one 3-inch and one 4-inch, each with a meter site across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 17, E½NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, N½NE¼.

These pipelines will convey natural gas across .713 of a mile of national resource land in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

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

[FR Doc.76–10104 Filed 4–7–76;8:45 am]

[NM 27829]

NEW MEXICO

Application

APRIL 1, 1976.

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

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 28 E.,
Sec. 33, N½SE¼;
Sec. 34, SW¼NW¼.

These piplines will convey natural gas across 505 of a mile of national resource land in Eddy County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

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

[FR Doc.76–10105 Filed 4–7–76;8:45 am]

[Oil and Gas Lease Sale No. 39]

OUTER CONTINENTAL SHELF OFF ALASKA

Withdrawal of Certain Acreage

A notice in the FEDERAL REGISTER of March 12, 1976, Vol. 41, No. 50, at page 10792, announced a sale of oil and gas leases on lands offshore the State of Alaska pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

The purpose of this notice is to withdraw certain tracts from those listed in the notice published on March 12, 1976, at page 10801. The following tracts are hereby withdrawn:

OCS OFFICIAL PROTRACTION DIAGRAM, NO. 6–2, MIDDLETON ISLAND, (Approved October 31, 1974): 39–177, 39–178, 39–179, 39–180, 39–181, 39–182, 39–183, 39–184, 39–185, 39–186, 39–187, 39–188, 39–189, 39–190, 39–191, 39–192.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: April 5, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.76–10174 Filed 4–7–76;8:45 am]

National Park Service

DEATH VALLEY NATIONAL MONUMENT, CALIFORNIA-NEVADA

Management Options for Natural and Cultural Resources Environmental Assessment; Public Workshops

Notice is hereby given that the National Park Service will hold three public workshops in early May 1976, to provide for public involvement in developing the Natural Resources Management Plan for Death Valley National Monument.

The public workshops will be held from 3 to 6 p.m., Friday, May 7, 1976, in the National Environmental Research Center Building, 944 East Harmon Ave., Las Vegas, Nevada; from 7 to 10 p.m., Monday, May 10, 1976, in the Los Angeles Department of Water and Power Building, 111 North Hope Street, Los Angeles, California, and from 1 to 4 p.m., Wednesday, May 12, 1976, in the American Legion Hall, Independence, California.

Prior to and concurrent with these public workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for extensive public involvement, including comments from individuals and organizations on the options for management of the Monument's natural and cultural resources as described in the Environmental Assessment, prior to drafting a final version of the management plan.

Anyone wanting additional information on the public workshops, the National Park Service planning process, or wishing to submit comments on the Management Options for Natural and Cultural Resources Environmental Assessment may write to the Superintendent, Death Valley National Monument, Death Valley, California 92328.

Dated: March 25, 1976.

Signed,

LYLE H. MCDOWELL,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.76–10242 Filed 4–7–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet 1:00 p.m. through 5:00 p.m. (c.d.t.), May 6, 1976 and 8:30 a.m. through Noon (c.d.t.), May 7, 1976 at the Indianhead Mountain Lodge located 1½ miles west of Wakefield, Michigan on U.S.-2, and 1½ miles north on Indianhead Mountain Road. The purpose of the meeting is to discuss forest management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, phone number: (906) 932-1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

M. K. LAURITSEN,
Forest Supervisor.

MARCH 30, 1976.

[FR Doc.76-10081 Filed 4-7-76;8:45 am]

FRESHWATER BAY TIMBER SALE

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 Freshwater Bay Timber Sale, USDA-FS-FES (Adm) R-10-75-09.

This environmental statement concerns a proposed timber sale to salvage blowdown timber.

This final environmental statement was transmitted to the CEQ on March 26, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
U.S. Department of Agriculture, Forest Service—Alaska Region, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Richard M. Wilson, Forest Supervisor, Chatham Area, Tongass National Forest, Box 1980, Sitka, Alaska 99835.

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

Dated: March 26, 1976.

C. A. YATES,
Acting Regional Forester, Alaska Region.

[FR Doc.76-10082 Filed 4-7-76;8:45 am]

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Cibola National Forest Grazing Advisory Board will meet Tuesday, May 25, 1976, at 8:00 a.m., at Frank H. Metzler's ranch headquarters, in Comanche Canyon on the Mountainair Ranger District.

The purpose of the meeting will be for the purpose of reviewing the Comanche Allotment and its Management. The allotment will be ridden on horseback on May 25 and 26, 1976.

The meeting will be open to the public. Interested persons planning to ride the allotment should bring their own horses. Persons who wish to attend should notify Keith T. Pfefferle via telephone, 766-2185, or in writing, to 10308 Candelaria, NE, Albuquerque, New Mexico 87112. Written statements may be filed with the Committee before or after the meeting.

Dated: April 2, 1976.

KEITH T. PFEFFERLE,
Forest Supervisor.

[FR Doc.76-10102 Filed 4-7-76;8:45 am]

MULTIPLE USE PLAN SIOUX PLANNING UNIT

Availability of Draft 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 draft environmental statement for Sioux Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-76-15.

The environmental statement concerns a proposed implementation of a multiple use plan for the Sioux Planning Unit, Sioux Ranger District, Custer National Forest in Harding County, South Dakota and Carter County, Montana. The gross area of the Planning Unit totals 175,312 acres including 162,889 acres of National Forest land.

This draft environmental statement was filed with CEQ on April 2, 1976.

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

USDA Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW, Washington, DC 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Custer National Forest, 2602 First Avenue North, Billings, MT 59103.
USDA Forest Service, Sioux Ranger District, Camp Crook, SD 57724.

A limited number of single copies are available upon request to Forest Supervisor, D.C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103.

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

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor D.C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103. Comments must be received by June 2, 1976, in order to be considered in the preparation of the final environmental statement.

WARREN G. DAVIES,
Acting Regional Forester Northern Region, Forest Service.

APRIL 2, 1976.

[FR Doc.76-10101 Filed 4-7-76;8:4 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Public Meeting

The Census Advisory Committee of the American Economic Association will convene on May 12, 1976, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs, and advises on the role of analysis within the Bureau and the need for providing data in more detail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting is: (1) Topics of current interest at the Bureau of the Census; (2) year 2000 planning program—the role of the Census Bureau in the statistical community; (3) the limits the Census Bureau should place on the use of unpublished statistics provided outside organizations, and Census Bureau use of data developed under contract for outside agencies; (4) progress report on the 1977 economic censuses feasibility studies and record-keeping practices survey; (5) status report on the

investigation into improving the quality of the manufacturing and trade inventories; and (6) developments in the demographic area, such as Current Population Survey expansion and the Survey of Income and Education.

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

Persons planning to attend the meeting and wishing additional information concerning the meeting should contact the Committee Control Officer, Mr. Melvin A. Hendry, Assistant Director for Economic Censuses, Bureau of the Census, Room 2081, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone: (301) 763–7356.

Dated: March 31, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.76–10093 Filed 4–7–76;8:45 am]

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Correction

In FR Doc. 76–9446, appearing on page 14203 in the issue for Friday, April 2, 1976, in the first column, under the heading General Session following paragraph (3) and before paragraph starting with September 10, 1974, the following material was inadvertently omitted and should be inserted accordingly.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552 (b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*

Office of Energy Policy and Programs

NATIONAL INDUSTRIAL ENERGY COUNCIL

Public Meeting

A meeting of the Sub-Council on Business Awareness of the National Industrial Energy Council will be held on Tuesday May 11, 1976, from 11:00 a.m. to 12:30 p.m., in Conference Room 4830, Main Commerce Building, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

The Sub-Council will meet to consider the development, the organization, and objectives of the newly formed Sub-Council and to prepare a report to be submitted at the next full Council meeting.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Sub-Council. Interested persons are also invited to file written statements with the Sub-Council before or after the meeting.

Persons who wish to attend the meeting should contact Kay Courtney at the Office of Energy Policy and Programs, Room 2011, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230—Telephone: 202–967–3535.

JAMES V. SHIRCLIFF,
Executive Director,
National Industrial Energy Council.

[FR Doc.76–10067 Filed 4–7–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F–0093]

AMERICAN CYANAMID CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3151) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended by revising paragraph (b)(xii) and (xiii) to provide for the safe use of dodecyl benzenesulfonic acid as a curing catalyst for urea-formaldehyde and melamine-formaldehyde resins in coatings intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 26, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76–10076 Filed 4–7–76;8:45 am]

National Institutes of Health

CARCINOGENESIS BIOASSAY OF TECHNICAL GRADE CHLORDECONE (KEPONE)

Report

Technical grade chlordecone (Kepone) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report and additional background information are available to the public.

SUMMARY

A carcinogenesis bioassay of technical grade chlordecone (Kepone) was conducted using Osborne-Mendel rats and B6C3F1 mice. Chlordecone was administered in the diet for 80 weeks at two dose levels, with the rats sacrificed at 112 weeks and the mice at 90 weeks. The starting dose levels were 15 and 30 ppm for male rats, 30 and 60 ppm for female rats, 40 ppm for male mice and 40 and 80 ppm for female mice. As these dose levels were not well tolerated, the dose levels were reduced during the course of the experiment such that the average dose levels were as follows: 8 and 24 ppm for male rats, 18 and 26 ppm for female rats, 20 and 23 ppm for male mice and 20 and 40 ppm for female mice. Clinical signs of toxicity were observed in both species, including generalized tremors and dermatologic changes. A significant increase ($P<.05$) was found in the incidence of hepatocellular carcinomas of high dose level rats and of mice at both dose levels of chlordecone. The incidences in the high dose groups were 7% and 22% for male and female rats (compared with 0 in controls for both sexes) and 88% and 47% for male and female mice (compared with 16% for male

room controls and 0 in females); for the low dose groups of mice the incidences were 81% for males and 52% for females. In addition, the time to detection of the first hepatocellular carcinoma observed at death was shorter for treated than control mice and, in both sexes and both species, it appeared inversely related to the dose. In chlordecone-treated mice and rats extensive hyperplasia of the liver was also found. The incidence of tumors other than in the liver for chlordecone-treated groups did not appear significantly different from that in controls.

Single copies of the 25-page report and additional background information are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: March 12, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76-8625 Filed 4-7-76;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE SUBCOMMITTEE ON COST REIMBURSEMENT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee's Subcommittee on Cost Reimbursement, National Cancer Institute, May 12, 1976, at the Blair Building, 8300 Colesville Road, Room 616, Silver Spring, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 3:00 p.m. on May 12, 1976, to consider various intervention strategies potentially applicable to supported projects of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available.

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 meetings and rosters of committee members.

Mary Jo Gibson, Executive Secretary, Blair Building, Room 701, National Institutes of Health, Bethesda, Maryland 20014 (301/427-8054) will provide substantive program information.

Dated: March 31, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-10070 Filed 4-7-76;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE SUBCOMMITTEE ON PREVENTION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee's Subcommittee on Prevention, National Cancer Institute, May 5, 1976, at the Blair Building, 8300 Colesville Road, Room 616, Silver Spring, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 3:00 p.m. on May 5, 1976, to consider those interventions which staff might employ to lower the incidence of cancer through prevention. Attendance by the public will be limited to space available.

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 meetings and rosters of committee members.

Dr. Robert Browning, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7944) will provide substantive program information.

Dated: March 31, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-10069 Filed 4-7-76;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, April 24, 1976, at 8:30 a.m., in the Holiday Inn, 100 Datura, West Palm Beach, Florida 33401.

This meeting will be open to the public from 8:30 a.m. until 9:30 a.m. on April 24th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 24th, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications in the field of communicative disorders.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8A03, Bethesda, Maryland, 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Federal Bldg., Room 9C10A, Bethesda, Maryland, 20014, (301) 496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, National Institutes of Health.)

Dated: March 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-10068 Filed 4-7-76;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Programs-Project Review A Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 13-15, 1976, in the Warren Room, Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C. 20008.

This meeting will be open to the public from 8:30 a.m. until adjournment on May 13th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 14th, from 8:30 a.m. to adjournment on May 15th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8AO3, Bethesda, Maryland, 20014, (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Bldg., Room 9C14B, Bethesda, Maryland, 20014, (301) 496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: March 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10071 Filed 4–7–76;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, May 13–15, 1976, in the Marshall Room, Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C. 20008.

This meeting will be open to the public from 8:30 a.m. until adjournment on May 13th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 14th, from 8:30 a.m. to adjournment on May 15th, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, Bldg. 31, Room 8AO3, Bethesda, Maryland, 20014, (301) 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. John W. Diggs, Executive Secretary, Federal Bldg., Rm. 9C10B, Bethesda, Maryland, 20014, (301) 496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: March 26, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10072 Filed 4–7–76;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, June 9, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. The entire meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Program, National Cancer Institute, report from the Chairman, President's Cancer Panel and review of the budget. Attendance by the public will be limited to space available.

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 meeting and roster of committee members.

Dated: March 31, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10073 Filed 4–7–76;8:45 am]

Office of Education

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Basic Programs of Bilingual Education—Continuation Awards

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b—880b–13), the Commissioner of Education hereby gives notice that applications for the continuation for basic programs of bilingual education are being accepted from local educational agencies (including certain organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Department of the Interior) and from institutions of higher education applying jointly with such agencies. Funds are available for grants to continue programs presently in operation pursuant to an approved project period in excess of one year.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 10, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.403C. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 5, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, S.W. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, and, except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants should be guided by the restatement of Part 123, published as a Notice of Proposed Rulemaking in this issue of the FEDERAL REGISTER. Applicants' attention is directed in particular to Subpart B of the restatement of Part 123, relating to Basic Programs of Bilingual Education, and to Section 123.14(b) thereof.

(20 U.S.C. 880b—880b–13)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

Dated: March 17, 1976.

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

[FR Doc.76–9613 Filed 4–7–76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Basic Programs of Bilingual Education—Initial Awards

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b—880b–13), the Commissioner of Education hereby gives notice that applications for initial awards of assistance for basic programs of bilingual education are being accepted

from local educational agencies (including certain organizations of Indian tribes which operate schools for Indian children, and schools for Indian children on reservations which are operated or funded by the Department of the Interior) and from institutions of higher education applying jointly with such agencies. Funds are available for grants to new applicants for basic programs.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 24, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.4030d. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 19, 1976, as evidence by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations. Grant* awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, and, except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants should be guided by the restatement of Part 123, published as a Notice of Proposed Rulemaking in this issue of the FEDERAL REGISTER. Applicants' attention is directed in particular to Subpart B of the restatement of Part 123, relating to Basic Programs of Bilingual Education.

(20 U.S.C. 880b-880b-13)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

Dated: March 17, 1976.

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

[FR Doc.76-9614 Filed 4-7-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Support Services for Programs of Bilingual Education

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93-380 (20 U.S.C. 880b-880b-13), the Commissioner of Education hereby gives notice that:

(1) Applications for training resource centers are being accepted from local educational agencies, institutions of higher education which apply after consultation with, or jointly with, such agencies, and State educational agencies, and

(2) Applications for materials development centers and dissemination/assessment centers are being accepted from local educational agencies and institutions of higher education which apply jointly with such agencies.

Funds are available for grants to the above-described applicants for the operation of such centers.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 24, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division. Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.403G. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 19, 1976 as evidence by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, SW. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, and, except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants should be guided by the restatement of Part 123 published as a Notice of Proposed Rulemaking in this issue of the FEDERAL REGISTER. Applicants' attention is directed in particular to Subpart C of the restatement of Part 123, relating to Support Services for Programs of Bilingual Education.

(20 U.S.C. 880b-880b-13)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

Dated: March 17, 1976.

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

[FR Doc.76-9615 Filed 4-7-76;8:45 am]

BILINGUAL EDUCATION

Closing Date for Receipt of Applications for Training Programs

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93-380 (20 U.S.C. 880b—880b-13), the Commissioner of Education hereby gives notice that applications for training programs are being accepted from local educational agencies, institutions of higher education which apply after consultation with, or jointly with, such agencies, and State educational agencies. Funds are available for grants to such applicants to carry out training programs.

Applications must be received by the U.S. Office of Education Application Control Center on or before May 24, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.403E. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 19, 1976 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commission will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Bilingual Education, Office of Education, 400 Maryland Avenue, S.W. (Reporter's Building, Room 421), Washington, D.C. 20202.

D. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 123, relating to the Bilingual Education Act, and, except where inconsistent with Part 123, to the Office of Education General Provisions Regulations in 45 CFR Parts 100, 100a, and 100c. In preparing applications, applicants should be guided by the restatement of Part 123 published as a Notice of Proposed Rulemaking in this issue of the FEDERAL REGISTER. Applicants' attention is directed in particular to Subpart D of the restatement of Part 123, relating to Training Programs.

(20 U.S.C. 880b—880b-13)

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

Dated: March 17, 1976.

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

[FR Doc.76-9616 Filed 4-7-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Office of Education, Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on May 10-12, 1976, 8:30 a.m., at the Channel Inn Hotel, 650 Water Street, S.W., Washington, D.C.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 1233g) Section 448(b) of the General Education Provisions Act. The committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee shall be open to the public. The proposed agenda includes a review of programs and policies bearing on physical education, recreation and leisure time education for the handicapped, and will include comments from invited experts in these fields. The agenda also will include a discussion of plans and priorities for the coming year. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building, 3 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on April 1, 1976.

LEROY V. GOODMAN,
Executive Secretary, National Advisory Committee on the Handicapped.

[FR Doc.76-10084 Filed 4-7-76;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: May 3, 1976 (10:00 a.m. to 5:00 p.m.), May 4, 1976 (9:00 a.m. to 1:00 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: March 30, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.76-10085 Filed 4-7-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-324; FDAA-498-DR]

ARKANSAS

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 1, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from tornadoes beginning about March 26, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Arkansas to have been adversely affected by this declared major disaster:

The Counties of:

Cleburne	Pulaski
Lonoke	Yell

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-10156 Filed 4-7-76;8:45 am]

[Docket No. NFD-325; FDAA-499-DR]

MISSISSIPPI

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74X285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 1, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from severe storms, tornadoes,

and flooding beginning on March 26, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been adversely affected by this declared major disaster:

The Counties of:

Copiah	Newton
Madison	Simpson

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–10155 Filed 4–7–76;8:45 am]

[Docket No. NFD–323; FDAA–497–DR]

OKLAHOMA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 1, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and tornadoes beginning on March 26, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Oklahoma.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Latimer	Le Flore

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 1, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–10157 Filed 4–7–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 063]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (P.L. 92–463; 5 U.S.C. App. 1) of October 6, 1972, that the National Boating Safety Advisory Council (the Council) will conduct an open meeting on Tuesday and Wednesday, May 18–19, 1976, in the Big Springs room, Huntsville Hilton, 401 Williams Avenue, Huntsville, Alabama. The meeting is scheduled to begin at 9:00 a.m. each day. It is scheduled to adjourn at 10:00 p.m. on Tuesday, May 18th and in the afternoon on Wednesday, May 19th, 1976.

The agenda for the Fourteenth Meeting of the Council is as follows:

1. Introduction of newly appointed Council members.
2. Review of action taken at the thirteenth meeting of the Council.
3. Executive Director's Report.
4. Discussion on the possible need to require fire extinguishers on all motorboats.
5. Discussion on possible need to require wearable PFD's on Class "A" motorboats.
6. Briefing on the Coast Guard Research and Development efforts in support of the boating safety program.
7. Laboratory demonstrations related to research concerning

(a) Explosion Relief Ventilation System, (b) Reaction of persons falling into the water wearing PFD's and (c) The Personal Flotation Device PFD) program, at Wyle Laboratories.

8. Observe on-the-water demonstrations related to research concerning (a) Level Flotation, (b) Canoe Flotation, (c) Safe Powering, (d) Jet-boat powering characteristics, (e) Foot Throttles for Motorboats and (d) White Navigation Light Glare at Limestone Creek.
9. A report on Engine Compartment Ventilation.
10. A briefing on research being conducted regarding flotation material.
11. Discussion on possible mandatory requirement to shield certain white navigation lights.
12. Report on recent Boating Education Seminar.
13. Members Items.
14. Chairman's Session.
15. Discussion on date, place and thrust of next meeting.

The National Boating Safety Advisory Council was established in 1971 pursuant to Section 33 of the Federal Boat Safety Act of 1971 (P. L. 92–75, 46 U.S.C. 1451 et seq). The Coast Guard is required to consult with the Council in determining the need for and in prescribing regulations and standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boating safety matters related to the Act.

Any member of the public who wishes to do so may file a written statement with the Council before or after the meeting, or may present an oral statement with advance notice to the Chairman.

Interested persons may seek additional information or the summary minutes of the meeting by writing to: Captain Merrill K. Wood, USCG, U.S. Coast Guard (G–BA/62 TRPT), Washington, D.C. 20590 or by calling (202) 426–1080.

Dated: March 26, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.76–10118 Filed 4–7–76;8:45 am]

[CGD 76–052]

DUNDEE CEMENT CO.

Notice of Qualification

This is to give notice that pursuant to 46 CFR 67.23–9, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), Dundee Cement Company of Dundee, Michigan 48131, incorporated under the laws of the State of Delaware, did on 9 February 1976 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the form of oath prescribed in form CG–1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on 16 March 1976, issued to Dundee Cement Company a certificate of compliance on form CG–1262, as provided in 46

CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated: March 25, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–10117 Filed 4–7–76;8:45 am]

National Highway Traffic Safety Administration

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On April 24–25, 1976, the Youth Highway Safety Advisory Committee will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street, SW, Room 5332–5334, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:00 a.m. to 5:00 p.m. on April 24, 1976 and from 9:00 a.m. to 12:00 noon on April 25, 1976. The agenda is as follows:

Discussion on Youth Enforcement and Alcohol Education projects.

Assessment of Committee's Goals.

Discussion of Plans for a more effective Committee.

Recommendations for next year's Committee.

Review Material on Organizational Structure of State Youth Highway Safety Committees.

Review Youth Projects.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street, SW, Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to Section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on April 1, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76–9910 Filed 4–7–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26973]

AEROMAR, C. POR A. REMANDED PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding which was assigned to be held on April 5, 1976, (41 F.R. 10943, March 15, 1976) is postponed until April 20, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C. April 2, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76–10121 Filed 4–7–76;8:45 am]

[Docket 28791]

CARAIBISCHE LUCHT TRANSPORT MAATSCHAPPIJ NV

Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Richard M. Hartsock to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper.

Dated at Washington, D.C., April 2, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–10119 Filed 4–7–76;8:45 am]

[Docket 28662]

OMEGA AIRWAYS, LTD. CANADA-U.S. CHARTER SERVICE (SMALL AIRCRAFT)

Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Richard M. Hartsock to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., April 2, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–10120 Filed 4–7–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, April 20, 1976 and Wednesday, April 21, 1976 in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

This meeting will be devoted primarily to an overview of work of the Bureau of Information and Education relative to flammable fabrics. Additional items to be covered include a review of burn injury data on wearing apparel and discussion of the status of proposed standards for general wearing apparel and upholstered furniture.

Persons wishing to make oral or written presentations to the National Advisory Committee should notify the Secretary at least five days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: April 5, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76–10130 Filed 4–7–76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

DATA NEEDS FOR STATE AND LOCAL GOVERNMENT EMPLOYEES COMPENSATION

Public Meeting

On March 31, 1976, the Council on Wage and Price Stability announced that it would conduct a study of data on state and local government employee compensation with the dual purposes of identifying what data are available and recommending what more are needed to provide an accurate picture of compensation trends in the public sector of the economy. This FEDERAL REGISTER notice is to announce the date, time, and place of a public meeting which interested parties are invited to attend. A Council paper on Federal Government compensation data for both private and public sector workers will be published in a forthcoming issue of the FEDERAL REGISTER and will serve as the basis for a discussion of data needs at the meeting.

The Council on Wage and Price Stability Act authorizes the Council to improve wage and price data bases for various sectors of the economy, and to work with labor, management, and appropriate government agencies to improve the structure of collective bargaining and the performance of those sectors in restraining prices. (See Section 3(a) of 12 U.S.C. Section 1904 note.) In preparing its background paper on 1976 collective bargaining negotiations the Council found data on wages and benefits of state and local government employees too inadequate to enable it to analyze public sector employee compensation trends in the report. A preliminary search revealed that Federal statistics-gathering has not kept pace with the growth of state and local government employment to more than 14 percent of the total work force, or with the increasing importance of collective bargaining in this sector to the economy—with an increasing number of state and local government employees

and employers engaging in collective bargaining and 31 states having statutes providing for such bargaining.

The Council believes it important to expand and improve available data on state and local government employee compensation, and is carrying out this study in furtherance of its statutory charge to meet that need. The study will include: (1) comparison of data now collected on employee compensation in the private sector with that collected on state and local government employee compensation; (2) identification of major gaps in the data for state and local government employees; (3) recommendations for the collection of additional data to fill the gaps identified; (4) estimation of the cost of implementing the recommendations, including whatever burdens will be imposed on state and local governments. The study will be carried out in cooperation with representatives of state and local governments, employee organizations in that sector, and Federal statistical agencies.

This notice is intended to announce a public meeting to discuss the Council's paper on Federal Government compensation data for state and local government employees and to solicit from interested parties their knowledge of other data that are available and their suggestions for collecting data that are needed but not available. The meeting will be held on April 30, 1976, at 10 a.m. in room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., 20506. Any person wishing to present views at this meeting should by April 23, 1976 submit his or her name, the nature of his or her interest in the study, a summary of the views to be presented, and the amount of time requested for presentation to Mr. Morris Feibusch at the Council on Wage and Price Stability, Room 4020, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., 20506, telephone (202) 456-6757. Persons interested in observing but not participating should contact Mr. Feibusch by April 28, 1976 to arrange for building clearance.

MICHAEL H. MOSKOW,
Director.

[FR Doc.76-10094 Filed 4-7-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PRIVACY ACT OF 1974

Additional Routine Uses—Congressional Inquiries

On January 21, 1976 the Energy Research and Development Administration (ERDA) published in the FEDERAL REGISTER (41 FR 3117) a "Proposed Amendment of Systems of Records, Additional Routine Uses" pertaining to congressional inquiries. Interested persons were invited to submit comments. No comments have been received.

The proposed amendment is hereby adopted without change as an addition to ERDA—Notices of Systems of Records Appendix AA—Additional Routine Uses. This additional routine use as set forth below, applies to all ERDA systems of records under the Privacy Act.

APPENDIX AA—ADDITIONAL ROUTINE USES

* * * * *

9. Congressional Inquires—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.

(NOTE: ERDA Appendix AA, items 1 thru 8, apepars at 40 FR 49930, 10-29-76; Notices of ERDA systems of records appear at 40 FR 49889, 10-24-75).

AUTHORITY: 42 U.S.C. 5815; 42 U.S.C. 2201; and 5 U.S.C. 552a.

Dated: April 8, 1976.

RAYMOND G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.76-10112 Filed 4-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 516-2]

AIR POLLUTION PREVENTION AND CONTROL

Addition of Lead to List of Air Pollutants

Section 108(a)(1) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directed the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, and from time to time thereafter revise, a list that includes each air pollutant which in his judgment has an adverse effect on public health or welfare, which is present in the ambient air as a result of emissions from numerous or diverse mobile or stationary sources, for which no air quality criteria were issued prior to the enactment of the amendments, and for which he plans to issue air quality criteria under section 108(a)(2) of the Act.

Within twelve (12) months from the inclusion of a pollutant on the list, the Administrator is required to issue air quality criteria for such pollutant, to issue information on air pollution control techniques, and to publish proposed national ambient air quality standards.

In compliance with the order dated March 1, 1976 of Judge Stewart in NRDC et al. v. Train, S.D.N.Y. 74 Civ. 4617, and pursuant to section 108(a)(1) of the Clean Air Act, as amended (42 U.S.C. 1857c-3(a)(1)), the air pollutant lead is hereby added to the list of air pollutants published on page 1545 of the FEDERAL REGISTER of January 30, 1971.

Prior to the order in NRDC et al. v. Train, the Administrator had not planned to issue air quality criteria for lead under section 108(a)(2), and had accordingly not placed lead on the list of air pollutants. The Administrator had determined to control the lead air pollution problem through the strategy of fuel additive control under section 211 (c) of the Clean Air Act, as amended 42 U.S.C. 1857f-6c (regulations recently upheld in Ethyl Corp., et al. v. EPA, D.C. Cir. No. 73-2205 (March 19, 1976)) and has under consideration the possible issuance of New Source Performance Standards under section 111 of the Clean Air Act, as amended (42 U.S.C. 1857c-6). Accordingly, in the event that NRDC, et al. v. Train is reversed on appeal, the air pollutant lead will be withdrawn from this list.

Dated: March 31, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-10157 Filed 4-7-76;8:45 am]

[FRL 520-2; OPP-50100]

CITIES SERVICE CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Cities Service Company, Cranbury, New Jersey 08512. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1109-EUP-1) allows the use of 3.9 pounds A.I. of a fungicide which is a mixture of copper abietate, copper linoleate, and copper oleate on peaches to evaluate control of bacterial spot. A total of 68 trees is involved; the program is authorized only in the State of Missouri. The experimental use permit is effective from March 15, 1976, to March 15, 1977. An exemption from the requirement of a tolerance for residues of the active ingredient in or on peaches has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-10145 Filed 4-7-76;8:45 am]

[FRL 520-1; OPP-50098]

DIAMOND SHAMROCK CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973;

7 U.S.C. 136), an experimental use permit has been issued to the Diamond Shamrock Corporation, Cleveland, Ohio 44114. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 677–EUP–10) allows the use of 184 pounds of the insecticide thiofanox on potatoes and cotton to evaluate control of various aphids, beetles, leafhoppers, and leafminers. A total of 117 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Idaho, Indiana, Louisiana, Maine, Michigan, Minnesota, Mississippi, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from March 17, 1976, to March 17, 1977. Treated potatoes and cottonseed will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10144 Filed 4–7–76;8:45 am]

[FRL 519–8; OPP–50097]

MERCK & CO., INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Merck & Company, Inc., Rahway, New Jersey 07056. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 618–EUP–8) allows the use of 460 pounds of the fungicide 2-(4-Thiazolyl) benzimidazole, as the hypophosphite salt, on elm trees to evaluate control of Dutch Elm Disease. A total of 5,000 trees are involved; the program is authorized only in the States of Arkansas, California, Colorado, Georgia, Illinois, Iowa, Maine, Mississippi, Ohio, Oregon, Texas, and Wisconsin. The experimental use permit is effective from March 19, 1976, to March 19, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10143 Filed 4–7–76;8:45 am]

[FRL 520–7; OPP–50101]

SHELL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Shell Chemical Company, Washington, D.C. 20036. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 201–EUP–49) allows the use of 20,000 pounds A. I. of a herbicide which is a mixture of 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile (6,700 pounds) and 2-chloro-N-isopropyl-acetanilide (13,300 pounds) on corn and grain sorghum to evaluate control of various annual grasses and broadleaf weeds. A total of 12,500 acres is involved; the program is authorized only in the States of Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. The experimental use permit is effective from March 22, 1976, to March 22, 1977. Permanent tolerances for residues of the active ingredients in or on corn and grain sorghum have been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10150 Filed 4–7–76;8:45 am]

[FRL 519–3; OPP–50095]

U.S. ARMY ENVIRONMENTAL HYGIENE AGENCY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Army Environmental Hygiene Agency, Fort George G. Meade, Maryland 20755. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 38349–EUP–1) allows the use of 18.6 pounds of the insecticide O,O,O′,O′-Tetramethyl O,O′-thiodi-p-phenylene phosphorothioate in three effluent drainage canals. The program is authorized only in the State of Tennessee. The experimental use permit is effective March 16, 1976, to March 16, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10152 Filed 4–7–76;8:45 am]

[FRL 519–4, OPP–50096]

U.S. ARMY ENVIRONMENTAL HYGIENE AGENCY

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Army Environmental Hygiene Agency, Fort George G. Meade, Maryland 20755. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 38349–EUP–2) allows the use of 22.16 pounds of the insecticide O,O,O′,O′-Tetramethyl O,O′-thiodi-p-phenylene phosphorothioate in three effluent drainage canals. The program is authorized only in the State of Tennessee. The experimental use permit is effective from March 16, 1976, to March 16, 1977.

Interested parties wishing to review the experimental use permit are referred

to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 30, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-10153 Filed 4-7-76;8:45 am]

[FRL 520-4; OPP-42016]

STATE OF MICHIGAN

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable William G. Milliken, Governor of the State of Michigan, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA), for approval on a contingency basis. Contingency approval is being requested pending enactment of enabling legislation and the promulgation of implementing regulations. Copies of the proposed legislation and regulations are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region V, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

1. Lewis Cass Building, Lansing, MI 48913 (Plant Industry Division, Michigan Department of Agriculture, tel. (517) 373-1087).

2. Room 1147, 230 South Dearborn Street, Chicago, IL 60604 (Pesticides Branch, Air and Hazardous Materials Division, EPA, Region V, tel. (312) 353-6219).

3. Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202) 755-4854).

SUMMARY OF STATE PLAN

The Michigan Department of Agriculture has been designated the State lead agency for the administration of the pesticide aplicator certification program, with the Plant Industry Division (PID) responsible for the program's implementation and coordination.

Cooperating agencies and organizations include the Interagency Pesticide Advisory Committee (IPAC), and the Michigan State Cooperative Extension Service (Michigan State University). The State Cooperative Extension Service has overall responsibility for the statewide pesticide applicator certification training program, including preparing and conducting training courses, preparing training materials and examinations, and distributing training manuals and other materials. The lead agency will review and approve all above materials for applicability under this State Plan.

The Plant Industry Division maintains close contact with the Michigan Department of Natural Resources and the Michigan Department of Public Health through the Interagency Pesticide Advisory Committee. IPAC also serves in an advisory capacity towards developing the State Plan for the certification of applicators. IPAC membership will be expanded in accordance with proposed enabling legislation.

Legal authority for the program is contained in the Pesticide Control Act (proposed as House Bill No. 5310); the Economic Poisons Law, Act No. 297, Public Acts of 1949, as amended; Pesticide Applicators Law, Act No. 233, Public Acts of 1959, as amended.

The plan indicates that the State lead agency, and coperating agencies, have, or will have, sufficient qualified personnel and funds necessary to carry out the proposed program. The Plant Industry Division is currently spending $97,566.00 on pesticide enforcement and regulation of pesticide applicators. An appropriation request for an additional $67,000.00 has been submitted to the State legislature. The lead agency has also applied for a Federal Assistance Grant for $139,000.00 to aid in the development and implementation of the certification program.

Michigan estimates that 2,040 commercial and 23,000 private applicators will need to be certified. Certification credentials, to be issued to the certified applicators, consist of a standard size, embossed plastic credit card, displaying an identification number and name, address, and the certification category of the applicator. The credentials will have to be presented to the dealer at the time of restricted use pesticide purchase.

The Michigan Plant Industry Division will submit an annual report to the EPA on July 1 of every year, and special reports as required by the Administrator.

The proposed commercial applicator categories are those which are listed in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

(1) Agricultural Pest Control
(a) Plant
(1) Field Crops
(2) Vegetable Crops
(3) Fruit Crops

The State of Michigan plans to certify commercial applicators by means of two written examinations, one addressing the general or "core" materials (40 CFR 171.-4(b) and 171.6), and the other, the specific requirements of the category or subcategory (40 CFR 171.4(c)). In addition, those applicators involved in aerial or space fumigation operations are required to pass examinations on competency standards for these methods of application. Commercial applicator training will be accomplished through auto-tutorial materials such as, the State Core Manual, State Unit Manuals, film strips and study guides. The manuals will be distributed from the six regional PID offices, and may be obtained upon payment of a certification fee. Examinations are to be given, by appointment, at these regional offices. Sample examination questions are attached to the plan. All commercial applicators who apply pesticides for hire will be required to be certified and licensed to use or supervise the use of both general and restricted use pesticides. Individuals currently licensed will be required to be examined and certified as outlined in this plan. Commercial applicators who do not apply pesticides for hire will be required to be certified to use or supervise the use of restricted use pesticides only and no license will be required.

Training of private applicators will be accomplished by voluntary classroom training programs conducted by the Michigan Cooperative Extension Service or through self-study with the State Core Manual, augmented by other study aids as appropriate. The training materials will be made available, and training meetings scheduled through the Cooperative Extension Service offices. Private applicators will be certified on the basis of written examinations. Approximately 100 multiple choice, true-false questions, derived from State training manuals and guides, will be utilized to determine competence. Sample questions are enclosed with this plan. The Cooperative Extension Service will arrange the dates and testing sites for the private applicator written examination, but the examination will be administered by the Plant Industry Division.

For those private applicators unable to read, Michigan is considering a system of audio-visual training, followed by an oral examination. The examination would be administered by the Plant Industry Division at any of the PID regional offices.

A statement addressing state certification under the Government Agency Plan (GAP) will be forwarded within 60 days after the approval of GAP by the EPA.

For certification maintenance, the Michigan Cooperative Extension Service will conduct training courses, as approved by the lead agency, to insure that certified applicators continue to meet the certification requirements. The Plant Industry Division will certify attendance or administer examinations based on the subject matter presented. The frequency of renewing applicator certification will be determined by the regulations promulgated under the proposed legislation.

Reciprocal agreements may be made with any other States which have substantially comparable certification standards. Plant Industry Division will notify the EPA of any reciprocal agreements entered.

Other regulatory activities, supplementing certification, outlined in the State Plan include: sampling, registration, and confiscation of pesticide products. Dealers of restricted use pesticides are required to be licensed by the State. Michigan also requires commercial applicators, engaged in business-for-hire, to obtain an annual license and provide proof of financial responsibility. The issuance of the license is contingent upon successful completion of certification requirements.

Field personnel will monitor sales and distribution records of pesticide dealers, check commercial applicator use and application records, and spot check commercial and private applicators to insure compliance with State and Federal laws and regulations. They will perform regular inspections, investigate alleged violations, and initiate appropriate actions for violations of the Act.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Michigan to the Regional Administrator, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, IL 60604. The comments must be received on or before May 9, 1976 and should bear the identifying notation (OPP–42016). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 am to 3:30 pm Monday through Friday.

Dated: February 23, 1976.

FRANCIS T. MAYO,
Regional Administrator, U.S. Environmental Protection Agency, Region V.

[FR Doc.76–10147 Filed 4–7–76;8:45 am]

[FRL 520–3; OPP–180068]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption to Use Benomyl To Control Foot Rot of Wheat

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate) for the control of foot rot in nine counties in southeastern Washington. The exemption was granted in accordance with, and is subject to, the provisions of 40 CFR 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E–315, Washington, D.C. 20460.

According to the Applicant, approximately 250,000 acres of winter wheat in southeastern Washington State are infected with foot rot disease caused by the fungal pathogen *Cercosporella herpotrichoides*. *Cercosporella* foot rot disease has significantly affected winter wheat in the counties of Adams, Benton, Columbia, Franklin, Garfield, Lincoln, Spokane, Walla Walla, and Whitman; this generally occurs when the wheat is seeded early and the winters are mild. Environmental conditions during the fall and winter of 1975–1976 have been highly favorable to the development of this disease.

No registered pesticide nor alternative methods of control are available to suppress this pathogen. Resistant varieties are not available for the area involved and later seeding, which reduces disease incidence, is not economically practical for many growers.

The Applicant proposed to use Benlate (benomyl) fungicide 50W. The rates of application will be one pound Benlate (0.5 lb. A. I. benomyl) in 5–10 gallons water/acre or one pound Benlate in 20–30 gallons water/acre, depending on whether the application is by air or ground, respectively. One application will be used between the date of issuance and April 15, 1976. This application will provide protection to the infected 250,000 acres of winter wheat, preventing the loss of twelve (12) percent in average yield valued at $8,400,000.

Past use history of Benlate indicates that no adverse short- or long-term effects on man or the environment should result from the pesticide application. The Fish and Wildlife Service, U.S. Department of the Interior, has advised EPA that no adverse effects on fish and wildlife resources are anticipated from this application.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of foot rot on winter wheat has or is about to occur; (b) there is no pesticide presently registered and available for use to control the foot rot disease in southeastern Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 15, 1976, to the extent and in the manner set forth in the application. The exemption is also subject to the following additional provisions:

1. Benlate (benomyl) 50W, EPA Reg. No. 352–354 AA, will be used;

2. Wheat acreage to be treated is limited to the following counties: Adams, Benton, Columbia, Franklin, Garfield, Lincoln, Spokane, Walla Walla, and Whitman;

3. One (1) pound of Benlate (0.5 lb. A.I. benomyl) per acre will be applied by ground or air;

4. Application will be made by licensed commercial applicators or by growers following a determination by Washington State University Extension Agents, who are licensed public consultants, that the fields meet both the following criteria: were seeded before September 15, 1975, and have a history of *Cercosporella* foot rot Extension Agents will furnish growers and applicators with instructions pertaining to rates and procedures;

5. A single application will be made; and

6. A residue level not to exceed 0.05 ppm in or on harvested wheat grain has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

Dated: April 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–10146 Filed 4–7–76;8:45 am]

[FRL 520–5,PF33]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP6F1759. American Cyanamid, Agricultural Div., PO Box 400, Princeton NJ 08540. Proposes that 40 CFR 180 be amended to establish tolerances for residues of the plant growth regulator 2-chloroethyl trimethylammonium chloride in or on the raw agricultural commodities sugarcane at 3.0 parts per million (ppm), in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.10 ppm, and in milk at 0.05 ppm. Proposed analytical method for determining residues is gas chromatography using a Melpar photometric detector equipped with a 394 nm sulfur filter. PM25

FAP6H5127. American Cyanamid. Proposes that 21 CFR 123.70 and 561.90 be amended to establish a regulation permitting the use of the plant growth regulator 2-chloroethyl trimethylammonium chloride on growing sugarcane with a tolerance limitation for residues of the herbicide at 15.0 ppm in sugarcane molasses. PM25

PP6F1763. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. Proposes that 40 CFR 180 be amended to established tolerances for combined residues of the herbicide S-[(4-chlorophenyl) methyl] diethylcarbamothioate and its chlorobenzyl and chlorophenyl moiety-containing metabolites [4-chlorobenzyl methyl sulfone, 4-chlorobenzoic acid, and conjugates containing the 4-chlorobenzylthio moiety] in or on the raw agricultural commodities

rice grain at 0.1 ppm, rice straw at 1.0 ppm, milk, eggs, the meat, fat, and meat byproducts of cattle and the meat, fat, and meat byproducts (except liver) of poultry at 0.2 ppm, and poultry liver at 0.5 ppm. Proposed analytical method for determining residues is a gas chromatography procedure using a flame photometric detector. PM23

PP6F1748. E. I. DuPont deNemours & Co., Wilmington DE 19898. Proposes that 40 CFR 180.294 be amended by establishing tolerances for combined residues of the fungicide benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural comodities barley grain and straw, oats grain and straw, rye grain and straw, and wheat grain at 0.2 ppm, and in or on wheat straw at 15 ppm. Proposed analytical method for determining residues is by cation exchange liquid chromatography. PM22

PP6F1758. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63116. Proposes that 40 CFR 180.364 be amended to establish a tolerance for residues of the herbicide glyphosate (N-phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity sugarcane at 0.5 ppm. Proposed analytical method for determining residues is a procedure in which the residues are derivatized to form the corresponding *N*-trifluoroacetyl methyl esters. The derivative is then determined by a gas chromatographic procedure with a flame photometric detector for phosphorus. PM25

FAP6H5126. Monsanto Co. Proposes that 21 CFR 123 and 561 be amended by establishing a regulation permitting the use of the herbicide glyphosate (N-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid on growing sugarcane with a tolerance limitation of 0.5 ppm resulting for residues in sugarcane molasses. PM25

PP6F1752. Uniroyal Inc., Uniroyal Chemical Div., Bethany CT 96525. Proposes that 40 CFR 180.246 be amended to establish tolerances for residues of the plant growth regulator daminozide [butanedioic acid mono (2,2-dimethylhydrazide)] in or on the raw agricultural commodities alfalfa hay and trash at 50 ppm and alfalfa fresh at 20 ppm. Proposed analytical method for determining residues is a procedure in which the residues are hydrolyzed with sodium hydroxide to release unsymmetrical dimethylhydiazine which is distilled and reacted with trisodium pentacyanoamine ferrate to form a red color. This color is measured spectrophotometrically at 490 and 600 nanometers. PM25

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10148 Filed 4–7–76;8:45 am]

[FRL 519–5; OPP–33000/391]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94–140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, S.W., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 10, 1976.

Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–33000/391)

EPA Reg. No. 241–233. American Cyanamid Co., Agricultural Div., P.O. Box 400, Princeton NJ 08540. CYGON 400 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate 43.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claims. PM16

EPA File Symbol 241–ELE. American Cyanamid Co., Agricultural Div., P.O. Box 400, Princeton NJ 08540. CYCOCEL 4L PLANT GROWTH REGULANT. Active Ingredients: (2 - chloroethyl) trimethylammonium chloride 45.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 10744–T. Barr Company, Niles IL 60648. BARR DISINFECTANT SURFACE SPRAY Q. Active Ingredients: Triethylene glycol 8.000%; n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 0.250%; n-Alkyl (68 % C12, 32% C14) Dimethyl ethylbenzyl ammonium chlorides 0.250%; n-Alkyl (92% C18, 8% C16) N-ethyl morpholinium ethyl sulfate 0.035%; Isopropanol 50.300%; Essential Oils .500%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 7969–46. Basf Wyandotte Corp., 100 Cherry Hill Rd., Parsipanny NJ 07054. BASALIN EMULSIFIABLE CONCENTRATE. Active Ingredient: Fluchloralin [N - (2 - chloroethyl) - a,a,a-trifluoro-2,6-dinitro - N - propyl - p - toluidine] 45.1%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use, Revised offer to pay statement submitted. PM25

EPA Reg. No. 1660-68. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brooklyn NY 11222. SUPER DRO KILLS ROACHES. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.30%; Chloropyrifos/O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.50%; Aromatic petroleum distillate 0.29%; Petroleum distillate 95.58%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 1660-72. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brooklyn NY 11222. DRO ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide Technical 0.260%; Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.500%; Petroleum Distillates 95.737%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 4931-133. Good-Life Chemicals, Inc., Good Life Dr., PO Box 687, Effingham IL 62401. GOOD-LIFE FOR BETTER LIVING TOMATO AND VEGETABLE DUST OR SPRAY. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate 5.00%; Zineb (Zinc ethylene bisdithiocarbamate) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 4090-3. Gulf Oil Chemicals Co., Div. of Gulf Oil Corp., 9009 W-67th St., Merriam KS 66202. CARBYNE. Active Ingredients: Barban (4-chloro-2-butynyl m-chlorocarbanilate 12.3%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 10079-U. Jersey Chemicals, Inc., 775 River St., Paterson NJ 07524. TOP-CHLOR CHLORINATED SANITIZER FOR MODERN SWIMMING POOL CARE. Active Ingredients: Hypochlorite 29%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 9591-GR. Nationwide Chemical Products, Inc., PO Box 3027, Hamilton Ohio 45013. RAT & MOUSE KILLER READY-TO-USE BAIT IN "PELLETIZED" FORM. Active Ingredients: 2 - Pivaly - 1,3 - Indendione 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA File Symbol 9591-GE. Nationwide Chemical Products, Inc., PO Box 3027, Hamilton Ohio 45013. NATIONWIDE EXTERMINATING BRAND KILLS RATS AND MICE. Active Ingredients: N1-(2-Quinoxalinyl) sulfanitamide (Sulfaquinoxaline) 0.025%; Warfarin (3 - (a - acetonylbenzyl) - 4-hydroxycoumarin) 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA File Symbol 1828-AA. The Sterling Co., 2801-05 Locust St., St. Louis MO 63103. MOTH & DEODORANT CAKES. Active Ingredients: Paradichlorobenzene 99.75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA Reg. No. 400-79. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. ALAR-85. Active Ingredients: Daminozide (Succinic acid 2,2-dimethylhydrazide) 85%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use, Revised offer to pay statement submitted. PM25

EPA File Symbol 27586-R. U.S. Forest Service, 14th & Independence Ave., Washington, DC 20250. TM BIOCONTROL-1. Active Ingredients: (Polyhedral inclusion bodies of Douglas fir tussock moth nucleopolyhedrosis virus) 3.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

[FR Doc.76-10140 Filed 4-7-76;8:45 am]

[FRL 519-6; OPP-33000/392]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

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Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 10, 1976.

Dated April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/392)

EPA File Symbol 8828-L. Almo Laboratories Co., Inc., 47 Sindle Ave., Little Falls NJ 07424. NUODINE A LOW FOAMING IODOPHOR. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 11649-12. Avitrol Corporation, 7644 E. 46th St, PO Box 45141, Tulsa OK 74145. AVITROL CORN CHOPS-99. Active Ingredients: 4-Aminopyridine 0.03%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM11

EPA File Symbol 37984-E. Bar Ale, PO Box 220, 201 1st St., Petaluma CA 94952. COMET 7.76 RABON ORAL LARVICIDE PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 37984-R. Bar Ale, 16% KREAMLINE COARSE WITH RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.018%. Method of Support: Application proceds under 2(b) of interim policy. PM15

EPA File Symbol 904-EUL. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. RESMETHRIN 24 EC INDUSTRIAL & INSTITUTIONAL INSECT SPRAY. Active Ingredients: (5-Benzyl-3-

furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 24.00%; Related Compounds 3.27%; Aromatic petroleum hydrocarbons 53.77%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 26884-A. Bonco Manufacturing Corp., PO Box 521, Jefferson GA 30549. BONCO BMC ALGAECIDE NO. 20. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 850-RU. Bonded Chemicals Corp., 200 S. Jackson St, Lima OH 45804. ALGAE-BAN A SWIMMING POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 850-RG. Bonded Chemicals Corp., 200 S. Jackson St., Lima OH 45804. BONCHEM-20 A SWIMMING POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 3125-163. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. CHEMAGRO DASANIT SPRAY CONCENTRATE. Active Ingredients: *O,O*-Diethyl *O*-[4-(methylsulfinyl)phenyl] phosphorothioate 63%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 3286-UA. Ford Staffel Co., PO Box 2380, San Antonio TX 78298. STAFFEL'S BIO DUST. Active Ingredients: Bacillus thuringiensis, Berlinger, Potency of 320 International Units per mg. (at least 0.5 billion viable spores per g.) 0.064%. Method of Support: Changed from 2(a) to 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 7296-RG. Gem City Chemicals, Inc., 1287 Air City Ave., Dayton OH 45404. GEMCHLOR-5%. Active Ingredients: Sodium Hypochlorite 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 783-13. Grace-Lee Products, Inc., 1414 Marshal NE, Minneapolis MN 55413. 3-WAY PF. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%. Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 6175-RT. Hart-Delta, Inc., 5055 Choctaw Dr., Baton Rouge LA 70805. PET SPRAY FOR DOGS AND CATS. Active Ingredients: (5-Benzyl-3-furyl) Methyl 2,2-dimethyl-3 (2-Methylpropenyl) Cyclopropanecarboxylate 0.250%; Related Compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1266-RAO. Malter International Corp., PO Box 6099, New Orleans LA 70174. INSECTICIDE, PYRETHRIN (AEROSOL). Active Ingredients: Pyrethrins 0.60%; Piperonyl Butoxide, Technical 1.41%; Petroleum Distillates 9.93%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 432-536. S.B. Penick & Co., Comm. Development Pesticide, 215 Watchung Ave., Orange NJ 07050. YOUR BRAND SBP-1382/BIOALLETHRIN AQUEOUS PRESSURIZED SPRAY FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use with data and Revised offer to pay statement submitted. PM17

EPA Reg. No. 432-492. S.B. Penick & Co., Comm., Development Pesticide. YOUR BRAND SBP-1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use with data and revised offer to pay statement submitted. PM17

EPA Reg. No. 359-170. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. CHIPTOX. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Label revision. PM23

EPA Reg. No. 359-365. Rhodia, Inc. RHOMENE. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 12123-G. Sherwood Chemicals Ltd., PO Box 25, Westville NJ 08093. SHERWOOD GENERAL PURPOSE INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 7378-I. Skasol Corp., 112 Glencoe, PO Box 13088, Webster Groves MO 63119. SCALE REMOVER TOILET BOWLS & URINALS. Active Ingredients: Hydrogen Chloride 24.57%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.30%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethyl benzyl ammonium chlorides 0.30%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 8536-RL. Soil Chemicals Corp., PO Box 531, Morgan Hill CA 95037. METHYL BROMIDE—100. Active Ingredients: Methyl Bromide 100%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA Reg. No. 557-1880. Swift Agricultural Chemicals Corp. (An Estech Company), 111 W. Jackson Blvd., Chicago, IL 60604. SWIFT CHINCH BUG KILLER. Active Ingredients: Chlorpyrifos 0.51%; Heavy Aromatic Naphtha 94.70%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 11220-E. Trical, Inc., PO Box 2, Morgan Hill CA 95037. TRI-BROM (METHYL BROMIDE). Active Ingredients: Methyl Bromide 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 11656-LN. Western Farm Service, c/o Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. WESTERN FARM SERVICE ETHION 25 W. Active Ingredients: Ethion (O,O,O,'O'-Tetraethyl S,S'methylene bisphosphorodithioate) 25.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM16

[FR Doc.76-10141 Filed 4-7-76;8:45 am]

[FRL 519-7; OPP-3000/393]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

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Dated: April 5, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/393)

EPA Reg. No. 12463-3. Aetna Chemical Corp., Wallace St. Extension, Elmwood Park NJ 07407. ACTANA ALGECIDE II. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 12468-G. Aquatherm, Inc., 2233 W. Second St., Santa Ana CA 92703. MICROBIOCIDE 288. Active Ingredients: Disodium cyanodithioimidocarbonate 6.-35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 12468-U. Aquatherm, Inc. MICROBIOCIDE 298. Active Ingredients: Disodium cyanodithioimidocarbonate 7.-35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 38330-L. Arco/Chemical Co., 1500 Market St., Philadelphia PA 19101. ARCOCIDE B-614 INDUSTRIAL MICROBIOCIDE. Active Ingredients: Alkyl (derived from coconut fatty acids) 1,3 propylene diamine di-acetate 21.0%; 2,4,5-Trichlorophenol 14.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 38330-U. Arco Chemical Company. ARCOCIDE B-612 INDUSTRIAL BACTERICIDE. Active Ingredients: Sodium 2,4,5 trichlorophenate 26%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 551-EUE. Baird & McGuire, Inc., South Street, Holbrook MA 02343. POWER PLUS BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; alkyl amino betaine 1.000%; Hydrogen Chloride 17.-500%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043-TA. Vestal Laboratories Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. STAPHENE—K. Active Ingredients: Potassium ortho-benzyl-p-chlorophenate 18.98%; Tetrasodium ethylene diamine tetraacetate 3.17%. Method of Support: Application proceeds under 2 (b) of interim policy. PM32

EPA Reg. No. 100-439. Ciba-Geigy, PO Box 11422, Greensboro NC 27409. AATREX 80W. Active Ingredients: Atrazine: 2-chloro-4-ethylamino - 6 - isopropylamino - s - triazine 76%; Related compounds 4%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 100-497. Agricultural Div., Ciba-Geigy Corp. AATREX 4L. Active Ingredients: Atrazine: 2-chloro-4-ethylamino-6-isopropylamino-s-triazine 40.8%; Related compounds 2.2%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM 25

EPA Reg. No. 9444-49. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. CAT & DOG FLEA-LICE & TICK SPRAY. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-naphthyl N-methylcarbamate) 0.50%; Butoxypolypropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM 12

EPA File Symbol 9319-GU. Custom Chemicides, Inc., 476 Hester St., San Leandro CA 94577. WEEDICIDE. Active Ingredients: 2,4-bis (isopropylamino) 6-Methoxy-s-triazine 3.7%; Pentachlorophenol 1.79%; Other Chlorophenols .21%; Petroleum Hydrocarbons 79.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 1757-UI. Drew Chemical Corporation, 701 Jefferson Rd., Parsippany NJ 07054. AMERSPERSE 280. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Reviseed offer to pay statement submitted. PM33

EPA File Symbol 13437-R. Du Cor Chemical Corp., PO Box 13298, Orlando FL 32809. DU COR LIQUID SWAT INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 00.15%; Technical Piperonyl Butoxide 00.30%; N-Octyl bicycloheptene dicarboximide 00.50%; Petroleum Distillate 99.05%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 10912-RA. Haynes Chemical Co., PO Box 30, E. Grand Forks MN 56721. STOP MOLD #1. Active Ingredients: Propionic Acid 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 10182-RU. ICI United States, Inc., Concord Pike & New Murphy Rd, Wilmington DE 19897. IMPTANE. Active Ingredients: ortho-Phenylphenol 97.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 35924-R. International Products, Inc., PO Box 223, Portland CT 06480. VICTORY BOWL CLEANER. Active Ingredients: Hydrogen chloride 15.0%; Methyldodecylbenzyl trimethyl ammonium chloride 1.2%; Methyldodecylxylylene bis (trimethyl ammonium chloride 0.3%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 61-RAT. Koppers Co., Inc., 1401 Koppers Bldg., Pittsburgh PA 15219. COLORTOX BOTTOM PAINT ANTIFOULING B-45 INTERNATIONAL ORANGE: Active Ingredients: Tributyltin Fluoride 15.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1706-RUO. Nalco Chemical Co., 6216 W. 66th Pl., Chicago, IL 60638. NALCO 5WC-475 MICROORGANISM CONTROL CHEMICAL. Active Ingredients: bis (tributyltin) oxide 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 13680-L. Ozark Chemical Co., PO Box 1348, 1500 Murphy Dr., Mormelle New Town, North Little Rock AK 72118. PEAK #465. Active Ingredients: Pyrethrins .100%; Piperonyl butoxide, technical .200%; N-octyl bicycloheptene dicarboximide .333%; Petroleum distillate 99.367%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 5136-RR. Panther Chemical Co., Inc., #600-700 N. Beach St., Box 52, Fort Worth TX 76101. PANCO BIOS 1000. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2217-536. PBI-Gordon Corp., 300 S. Third St., Kansas City KS 66118. GENERAL BROADLEAF LAWN WEED HERBICIDE. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 12.875%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 5.840%; Dimethylamine salt of Dicamba (3,6 - dichloro - o - anisic acid) 1.341%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 35940-G. Petro-Con Chemical Co., Water Service Div., 161 W. 231st St., Bronx NY 10463. PAN TABS. Active Ingredients: diisobutyl phenoxy ethoxy ethyl dimethyl benzyl ammonium monohydrate 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 33818-R. Prescott, Inc., 3305 W. Griffith St., PO Box 3957, Charlotte NC 28203. SEPTAN 1. Active Ingredients: n-Alkyl (60% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10535-E. Professional Chemists, Inc., 700 Center Point Rd., NE,

Cedar Rapids IA 52402. PRO SUPER-SAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 9800-RL. Stewart-Hall Chemical Corp., 222 Washington St., Mount Vernon NY 10553. CWT-BB5. Active Ingredients: Disodium cyanodithioimidocarbonate 1.59%; Ethylenediamine 0.6%; Potassium N-methyldithiocarbamate 2.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 10485-EN. United Chemical Corp., 601 N. Leech, PO Box 1499, Hobbs, NM 88240. ALPHA 560. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 21.0%; n-Dialkyl (60% C14, 30% C16, 5% C12, 5% C18) methyl benzyl ammonium chloride 4.0%, Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1325-IL. Weil Chemical, 219 Scott St., Memphis TN 38112. PATH-O-CIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%; Essential Oils .2%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 8993-L. The White & Bagley Co., 150 Worcester Center Blvd., Worcester MASS 01608. W & B INHIBITOR F-1901. Active Ingredients: Sodium o-Phenylphenate 40.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

[FR Doc.76-10142 Filed 4-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 975]

NORMAN E. JORGENSEN

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

APRIL 2, 1976.

Docket or RM No.	Rule No.	Filed by—	Date received
20385	Sec. 73.202(b)	Norman E. Jorgensen, attorney for Basic Media, Ltd	Mar. 23, 1976

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Apr. 23, 1976. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[SEAL]

[FR Doc.76-10099 Filed 4-7-76;8:45 am]

[Docket No. 20767; FCC 76-314]

CABLE TELEVISION

Inquiry Into Regular Subscriber Rates Established

1. Notice of Inquiry is hereby given in the above-captioned proceeding. The purpose of this inquiry is to gather factual information relating to the process whereby cable television regular subscriber rates are established, the need for and efficacy of this process, the costs, benefits and problems associated with it, and to receive suggestions as to what advisory role, if any, the Commission should play in the process.

2. Cable television system regular subscriber rates are typically set by the municipality in which the system operates. In a few states this function is performed at the state level. There are also a significant number of cable television systems, generally older systems, systems in areas outside the boundaries of incorporated local governments, and in locations in which the authority to establish rates is lacking, in which the rates are not subject to governmental control but are rather left to the discretion of the cable operator and the functioning of the marketplace.

3. The Commission's role in the establishment of cable rates has two parts. As to regular subscriber rates charged by the cable system for the delivery of broadcast signals and basic service package, existing rules (§ 76.31(a)(4)) provide that, for a cable television system to obtain a Certificate of Compliance, it must have a franchise or other appropriate local authorization in which the initial rates are specified and which provides that rates shall not be increased except as authorized "after an appropriate public proceeding affording due process." Revisions in or deletion of this franchise standard requirement are presently under consideration in *Docket 20681.*[1] In constrast to regular subscriber rates, we have taken the position that rates for subscription television programs, leased channels, advertising, and other auxiliary services should not be regulated at either the local, state, or federal levels at this time. It has been our belief that attempting to impose rate regulation on these specialized services, that are just beginning to develop, would be premature and would likely have a chilling effect on their development. Consistent with this view, the Commission has not only declined to regulate the rates for these services but has preempted their regulation by state and local authorities.[2]

4. We are not proposing in this proceeding any changes in the existing situation, either in terms of becoming directly involved in setting subscriber rates ourselves or by suggesting a change in the role played by local authorities. Indeed, let us be clear that the Commission contemplates no federal preemption of the local regulation of subscriber rates and no regulation of subscriber rates by the federal government. We believe that the authority to regulate regular subscriber rates is appropriately lodged with state/local authorities. It is not our purpose here to obtain comment on whether the Commission might preempt or otherwise preclude local authorities playing this role. However, to provide a forum for full discussion of this process, we believe it appropriate to inquire into and gather a body of factual data relating to cable subscriber rate regulation. We are hopeful that, through this study we may be in a position to be as helpful as possible to state/local authorities. If there are problems with the existing situation, we believe that their exposure to light in this proceeding will provide some measure of relief, and that we may begin to identify areas in which the Commission may play a useful role.[3] Through this proceeding, we seek information on the processes whereby basic subscriber rates are established, the need for governmental control of these rate structures, the cost of such regulation and its effectiveness, the impact such regulation at the state and local level has on the quality of cable service provided, the growth of industry and the incentives for investment in it, and the possibility of methods for improving the rate setting process. We are hopeful that a thorough analysis of rate regulations may assist local/state officials in carrying out their rate making responsibility more efficiently.

5. We are aware of concern on the part of both cable operators and local franchise authorities as to the efficacy of the existing rate regulation process. Cable operators are concerned with the costs associated with the process as well as with what they allege are unreasonable delays in the consideration of rate increase requests. From the point of view of the cable system operator, there are several costs involved. There is not only the monetary cost of seeking a rate increase but also the time involved, the

[1] Notice of Proposed Rule Making in Docket 20681, FCC 75-1422, ____ FCC 2d ____ (1975), 41 Fed. Reg. 1606 (released January 5, 1976).

[2] Clarification, FCC 74-384, 46 FCC 2d 175, 39 Fed. Reg. 14288, paragraph 84 (1974); First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1, 40 Fed. Reg. 15546, paragraph 216 (1975). As a consequence of the decision of the United States Court of Appeals for the District of Columbia in National Association of Regulatory Utilities Commission v. FCC, Case No. 75-1075, decided February 10, 1976, intra-state, two-way, point-to-point non-video communications are subject to state or local regulation.

[3] The role envisaged is one whereby the Commission's function of gathering and disseminating information may be better designed to facilitate the existing regulatory process.

delay factors in receiving a rate increase, the lost "opportunity benefits" of a delayed increase and the cost of increased interest rates attributable to the effect of rate regulation on the capital market's willingness or lack of it to lend money at favorable rates to rate regulated industries. As to the problem of delay, cable operators claim that, in contrast with many other industries whose rates are subject to governmental control, new cable rates schedules typically do not go into effect while their reasonableness is being considered. In turn, regulators have expressed concern over the lack of cooperation or ability of operators to supply what they consider to be relevant data on which to base rate decisions. They also frequently request assistance from the Commission on rate regulation methodology, whether it be rate of return type regulation or some other approach. Questions are also raised regarding cross-subsidies between systems owned by multiple system operators and the possibility of the "joint" setting of rates in conglomerate systems to avoid the obviously burdensome procedure of separate proceedings in adjoining, technically integrated systems. Before we can be of any significant help to these other officials on the questions they raise, an adequate factual data base must be developed.

6. In addition to general comment on the matters discussed above, it would be useful to have specific information on the following:

Rate increase requests that have been made in the last five years and their dsiposition.

The time factor involved in getting a final decision on a rate increase request (favorable or unfavorable) and the reasons for any delays involved.

Costs associated with rate requests and the nature thereof.

Subscriber disconnect figures attributable to higher rates.

The number and location of systems that have not sought or instituted rate increases in the last five years.

The number, location, and rate structure of systems not subject to any rate regulation.

What quantifiable factors, including the availability of close substitutes for cable service, influence the sensitivity of demand for cable to changes in subscription rates?

What impact does subscriber rate regulation have on the industry and its long-term growth patterns?

What impact does the rate regulation process have on the services cable systems provide?

7. Finally we invite suggestions from all interested parties on procedures which have or could be employed in establishing reasonable subscription rates. We would be particularly interested in receiving comments from local/state authorities concerning rate making guidelines which have proven effective and satisfactory to both cable operators and their subscribers. We also invite cable interests, as well as local/state authorities, to comment on particular procedures which they have found to be particularly burdensome, costly, or ineffective.

8. In conclusion, we wish to re-emphasize that the purpose of this inquiry is to gather information on all aspects of the subscriber rate regulation process. While no change in the Commission's role in this process is contemplated, we believe that this proceeding will provide a useful forum for the exchange of information on this important area of regulation.

9. Authority for the inquiry proposed herein is contained in Section 403 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on or before June 7, 1976, and reply comments on or before July 7, 1976. In reaching a decision on this matter the Commission may take into account any other relevant information before it, in addition to the comments invited by this Notice.

10. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its Headquarters in Washington, D.C., 1919 "M" Street NW.

Adopted: April 1, 1976.

Released: April 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-10095 Filed 4-7-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PHILLIPS PETROLEUM CO. AND THE OIL SHALE CORP.

Reassignment of Certain Wholesale Purchasers

On January 16, 1976, the Federal Energy Administration issued a notice of opportunity for comment regarding a joint application for the reassignment of certain wholesale purchasers filed by The Oil Shale Corporation (TOSCO) and Phillips Petroleum Company (Phillips) (41 F.R. 2863, January 20, 1976). TOSCO and Phillips also requested exception relief to facilitate a court-ordered divestiture of Phillips' Avon refinery in Martinez, California and certain of Phillips' West Coast refining and marketing assets. (See the Order of Divestiture issued on September 3, 1975 by the United States District Court for the Central District of California, Civil Action 66-1154 (WJF).) On March 23, 1976, the FEA issued a Decision and Order which granted these requests in substantial part. TOSCO has acquired the assets of the Avon refinery, and the exception relief which was granted directed that Phillips' supply rights and obligations under the Mandatory Petroleum Allocation Regulations connected with the assets being divested be reassigned to TOSCO. It also set forth the manner in which Phillips and TOSCO shall account for the revenues paid and received under the FEA Mandatory Petroleum Price Regulations.

Pursuant to the Decision and Order, Phillips no longer has base period supplier/purchaser relationships with wholesale purchasers and end-users of allocated products in the states of California, Oregon and Washington or with those wholesale purchasers and end-users of allocated products in Nevada and Arizona which are served by the Phillips' assets to be divested under the Order of Divestiture. TOSCO was permanently assigned as the base period supplier of those purchasers and was directed to supply them with the same volumes of allocated products which they were entitled to receive from Phillips. In addition, Phillips and TOSCO are required by the Order to provide specific notice to each wholesale purchaser and end-user which will be affected by this transfer of base period supplier/purchaser relationships. Copies of the FEA's March 23, 1976 Decision and Order are available for public inspection and copying in the Public Docket Room of the Office of Private Grievance and Redress, Room B120, 2000 M Street, N.W. Washington, D.C.

Issued in Washington, D.C., April 5, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-10232 Filed 4-6-76;11:35 am]

THE ATLANTIC RICHFIELD CO. AND THE C F PETROLEUM CO.

Acquisition of Assets

Notice is hereby given that the Federal Energy Administration is considering in a single consolidated proceeding various petitions and applications filed by the Atlantic Richfield Company (ARCO) and the C F Petroleum Company (CFP) relating to the proposed acquisition by CFP of the Arco refinery located in East Chicago, Indiana (East Chicago refinery). Notice is also given that FEA will receive written comments from interested persons with respect to the applications.

Arco is a major integrated oil company and operates five refineries in the United States. CFP is a newly formed agricultural cooperative organized to engage in the manufacture, distribution and sale of petroleum products through the acquisition of the East Chicago refinery. The East Chicago refinery has a certified capacity of 126,000 barrels of crude oil per day (BPD).

The applications which Arco and CFP filed, if granted, would: (i) permit CFP to calculate its allowable selling prices for covered products at the East Chicago refinery on the basis of Arco's May 15,

[4] Statement of Commissioner Glen O. Robinson filed as part of the original document.

1973 selling prices for the products sold from the East Chicago refinery; (ii) permit CFP to measure increased product and non-product costs by using the costs which Arco incurred in connection with the operation of the East Chicago refinery during May 1973 (similarly, upon completion of the acquisition, Arco would exclude the May 1973 costs associated with the East Chicago refinery from its calculation of product and non-product costs for the purposes of FEA's Mandatory Petroleum Price Regulations); (iii) permit Arco to allocate its increased crude oil costs during the month following the transfer of the East Chicago refinery assets in accordance with the volume of products refined from crude oil during the preceding month determined without regard to the volume of products refined from crude oil at the East Chicago refinery; (iv) permit Arco to sell any inventories of residual fuel oil, certain solvents and naphtha on hand at the East Chicago refinery on the closing date of the sale to CFP without first transferring those inventories into its allocable supply; (v) permit Arco to offset the revenues which it receives as a result of the sale of inventories to CFP against the increased product costs which it incurred through December 31, 1975 and had not recouped as of January 31, 1976; (vi) require the transfer to CFP of Arco's base period supply obligations with respect to those purchasers of residual fuel oil, certain solvents and naphtha previously served by the East Chicago refinery;

(vii) classify CFP as a new supplier and permit CFP to sell the products which it produces at the East Chicago refinery which it is not otherwise obligated to sell to Arco in accordance with a crude oil conversion agreement or to those purchasers described in subparagraph (vi) above to those of its member-owners which enter into mutual termination agreements with their base period suppliers; (viii) permit Arco to classify the increased costs which it incurs in connection with its crude oil conversion agreement with CFP as increased product costs for purposes of FEA's Mandatory Petroleum Price Regulations; (ix) classify CFP as a small refiner with a certified refining capacity of 126,000 BPD; (x) permit CFP to purchase crude oil under the Crude Oil Allocation Program (10 CFR 211.65) beginning in June 1976 and to participate in the Old Oil Entitlements Program (10 CFR 211.67) beginning in May 1976; (xi) permit Arco to exclude the certified capacity of the East Chicago refinery from its total refining capacity for purposes of calculating its sales obligations under the Crude Oil Allocation Program; (xii) result in a determination that Arco has no obligation under the FEA regulations to supply crude oil or refined petroleum products to CFP or the East Chicago refinery except in accordance with the general application of the Crude Oil Allocation Program; and (xiii) result in a determination that subsequent to the transfer of assets all crude oil processed at the East Chicago refinery for the account of Arco be charged to Arco and that all crude oil processed at the refinery for the account of CFP be charged to that firm for purposes of the application of the Crude Oil Allocation Program and the Old Oil Entitlements Program.

Since the approval of these applications might have a significant adverse impact on parties which purchase refined petroleum products from the East Chicago refinery or Arco's other refineries, and since the submissions raise issues of general interest regarding refinery acquisitions, the FEA has determined that it is appropriate to call specifically to the attention of all interested persons their opportunity to present their views to the FEA with respect to the foregoing issues in Arco's and CFP's applications as well as any other issues which may arise in relation to the proposed acquisition.

Copies of Arco's and CFP's applications from which confidential information has been deleted are available for public inspection in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. Photocopy machines are also available to interested persons.

Any person who has an interest in the subject matter or who is a representative of a group or class of persons that has such an interest is invited to participate in the present proceeding by submitting written comments, within ten days of the date of publication of this notice, containing data, views, or arguments to Mr. Steven A. Lewis, Office of Exceptions and Appeals, Federal Energy Administration, Code 500, Washington, D.C. 20461. Comments so submitted should be identified on the outside of the envelope, and on documents enclosed, with the designation "Arco and CFP Application for Exception, Case Nos. FEE–2309; FEE–2312."

Data or information in any comment which the person furnishing it considers to be confidential must be so identified, and two copies of the comment with confidential information deleted pursuant to the provisions of 10 CFR 205.9(f) must be submitted to the FEA. The FEA reserves the right to determine the confidential status of the information or data submitted.

All comments submitted to the FEA must contain a certification that a copy of the comment with confidential information deleted, if appropriate, has also been transmitted to Richard C. Morse, Esquire, Legal Division, Atlantic Richfield Company, Box 2679—T.A., Los Angeles, California 90051, and Mr. Lee H. Solomon, Executive Vice President, C F Petroleum Company, Salem Lake Drive, Long Grove, Illinois 60047.

Issued in Washington, D.C., April 5, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–10235 Filed 4–6–76;11:36 am]

FEDERAL MARITIME COMMISSION

MOORE-MCCORMACK LINES, INC., ET AL.

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, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 19, 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.

Moore-McCormack Lines, Incorporated Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar S/A

Notice of Agreement Filed by:

J. D. Straton, Manager, Rates and Conferences, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10028–4, among the lines names above, modifies the approved basic agreement by extending, through January 29, 1978, the authority for the parties, by mutual agreement, to increase or decrease the number of minimum sailings and/or calls, without impairing the adequate service, and to inform the respective government authorities by the prompt submission to them of the agreed change(s) signed by all parties.

By order of the Federal Maritime Commission.

Dated: April 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–10128 Filed 4–7–76;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to

communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Nittler Forwarding Inc., Rd. 130, Dayton-Deans Cut-off, P.O. Box 490, Dayton, N.J. 08810. Officers: M. Fernand Nittler, President, Mrs. Regine Nittler, Vice President, Mr. L. MeMatteo, Secretary.

Cargo International Freight Service Corp., 4471 N.W. 36th Street, Miami, FL 33166. Officers: Atilio C. Fernandez, Director/President, Orlando Delgado, Director/Vice President, Jose M. Carbonell, Dir./Treasurer, Timothy J. Armstrong, Secretary.

Click Delivery Service, Inc., d/b/a Click International, 3710 Robertson Street, P.O. Box 683, Metairie, LA 70004. Officers: W. Scott Culley, President, Mrs. W. Scott Culley, Vice President, Marcia L. Culley, Treasurer, Michael F. Little, Secretary.

Max Distribution, Inc., 318 Vine Street, New Bethlehem, PA 16242. Officers: Larry D. McCauley, President, Charles A. McCauley, Vice President, Jacquelin McCauley, Secretary/Treasurer, Verne T. Mahood, Asst. Secretary.

Nicholson World Travel Service, Inc., 65 Cadillac Square, Cadillac Tower—Lobby, Detroit, Michigan 48226. Officers: Vassilia Nicholson Zieger, Sec./Treasurer.

Jorge Blanch, Inc., 705 Cerra Street, Stop 15, Santurce, P.R. 00907, P.O. Box 2573, Old San Juan Station, San Juan, P.R. 00903. Officers: Jorge Blanch, President, Irma Blanch, Secretary, Angelica M. de Blanch, Treasurer.

By the Federal Maritime Commission.

Dated: April 5, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-10129 Filed 4-7-76;8:45 am]

FEDERAL POWER COMMISSION

CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Meeting

Federal Power Commission, Union Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, Conference Room 5200, June 22–23, 1976, 9:00 a.m.

Presiding: Mr. Franklin W. Lipshultz.

Call to order—Mr. Lipshultz.

Discussion to outline the final report of the curtailment strategies-technical advisory committee—Mr. John F. O'Leary, TAC Chairman.

Assignment of work to committee members—Mr. John F. O'Leary.

Selection of next meeting date.

Adjournment—Mr. Franklin W. Lipshultz.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10043 Filed 4-7-76;8:45 am]

CURTAILMENT STRATEGIES—TECHNICAL ADVISORY COMMITTEE

Meeting

Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, Conference Room 5200, July 13, 1976, 9:00 a.m.

Presiding: Mr. Franklin W. Lipshultz, FPC Coordinating Representative and Secretary, Bureau of Natural Gas.

Call to order and introductory remarks—Mr. Lipshultz.

Discussion of Material received and distributed, Mr. John F. O'Leary—TAC Chairman.

(a) Mr. Albert F. Bass' subgroup finalize report of February 18, 1976.

(b) Discussion of material on Dr. William A. Vogely's four strategies as presented at the meeting of March 9, 1976.

Further work to be accomplished on assignments.

Selection of next meeting date.

Other business.

Adjournment—Mr. Lipshultz.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10044 Filed 4-7-76;8:45 am]

[Project No. 2146]

ALABAMA POWER CO.

Application for Amendment of License

MARCH 31, 1976.

Public notice is hereby given that an application has been filed on December 16, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the Alabama Power Company (Correspondence to: Mr. Alan R. Barton, Executive Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291) for amendment of the license for the Walter Bouldin Dam Project No. 2146 located on the Coosa River in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah and Cherokee Counties, in Alabama, and Floyd County, Georgia. The Coosa River is a navigable water of the United States.

Applicant proposes to rehabilitate and rebuild those facilities and structures that were damaged by the breach of Walter Bouldin dam on February 10, 1975, including reconstruction of the earth dam and the trashracks, clean-up of the powerhouse facilities and dredging of the tailrace. Material for reconstruction of the dam would be obtained from the forebay area. If additional material is needed, it would be obtained from a borrow area adjacent to the forebay. Material excavated from the tailrace would be placed in existing spoil areas. No additional lands would be acquired for the reconstruction of the Bouldin development.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if the applicant requests that the shortened procedure of Section 1.32(b) be used [1] and no issue of substance is raised by any request to be heard, protest, petition filed subsequent to this notice within the time required herein, or Staff's formal investigation into the February 10, 1975 failure of Walter Bouldin dam. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10048 Filed 4-7-76;8:45 am]

[Project No. 2764]

BURLINGTON, VERMONT

Application for Preliminary Permit

MARCH 31, 1976.

Public notice is hereby given that an application for a preliminary permit was filed on November 28, 1975, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the City of Burlington, Vermont (Correspondence to: Mr. Robert C. Young, Superintendent, City of Burlington Electric Department, 585 Pine Street, Burlington, Vermont 05401) for the proposed Chase Mill hydroelectric development, FPC Project No. 2764, to be located on the Winooski River, a navigable waterway of the United States, in the cities of Winooski and Burlington in Chittenden County, Vermont.

According to the application, the proposed run-of-the-river project would consist of a small reservoir formed by a low dam approximately 10 feet high and 500 feet long. A powerhouse with an installed capacity of 6,600 kW would be located adjacent to the dam and a tailrace channel would extend downstream from the powerhouse.

The power developed by the project would be utilized in Applicant's distribu-

[1] On February 9, 1976 the applicant requested the shortened procedure of Section 1.32(b).

tion system to meet existing and future power needs.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 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 C.F.R. § 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 a party 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10045 Filed 4-7-76;8:45 am]

CAROLINA POWER & LIGHT CO.

Order Accepting and Suspending Proposed Fuel Clause, Granting Intervention, and Establishing Procedures

MARCH 31, 1976.

On January 15, 1976, as completed on March 3, 1976, Carolina Power & Light Company (CP&L) tendered for filing a proposed fuel adjustment clause in purported compliance with Order No. 517. Because the Commission's review of the filing indicates it may not be just and reasonable we shall accept the tendered clause for filing, suspend its effectiveness for one day, and establish hearing procedures to determine its justness and reasonableness.

On December 1, 1976, CP&L submitted a request to the Commission requesting waiver of the requirement of Commission Order No. 417 to file a conforming fuel adjustment clause by January 1, 1976. By letter of December 24, 1975, the Commission denied CP&L's request and directed it to file, by January 15, 1976, a fuel adjustment clause conforming to Order No. 517,[1] to become effective January 1, 1976. On January 15, 1976, CP&L submitted a fuel adjustment clause in response to the Commission's directive. However the submittal lacked the revenue comparisons for the 12-month period preceding the proposed effective date, as required by Section 35.12(b)(1) of the Regulations. Accordingly, CP&L was requested, by letter of February 12, 1976, to submit the required revenue comparisons. On March 3, 1976, CP&L submitted the requested information.[2]

Public notice of CP&L's filing was issued on January 27, 1976 with all protests, comments, or petitions to intervene due on or before February 13, 1976. Timely petitions to intervene were filed on behalf of North Carolina Electric Membership Corporation (EMC's) and the ElectriCities of North Carolina and the Cities of Bennetsville and Camden, South Carolina (ElectriCities). The ElectriCities further protested CP&L's filing. ElectriCities state that they do not oppose the form of the proposal fuel clause but do object to the base cost of fuel contained in the proposed clause. ElectriCities contend that CP&L has improperly developed its base cost of fuel by computing costs from two separate time periods when it should have developed all its costs from the same time period. The ElectriCities maintain further that the base cost utilized has resulted in a rate increase without any of the support required under Section 35.13 of the Commission's Regulations.

On February 24, 1976, CP&L filed a response to the petitions to intervene and the protest filed by the ElectriCities. CP&L points out that the Commission's Regulations under Section 35.13 do not require the submittal of full cost of service data since its fuel adjustment clause filing was made in order to conform to Commission Regulation and that, furthermore, a full cost of service was filed in the presently pending case in Docket No. E-8884. CP&L further maintains that the base cost of fuel utilized is proper since the costs utilized are consistent with those utilized in the pending rate case in Docket No. E-8884.

The Commission, upon review, is of the opinion that the ElectriCities have advanced a proper subject for an investigatory hearing. Accordingly the proposed fuel adjustment clause has not been shown to be just and reasonable and may be unjust, unreasonable, preferential or otherwise unlawful. We shall therefore suspend the effectiveness of the proposed fuel adjustment clause for one day, to become effective January 2, 1976, subject to refund, and institute an investigation into the proposed fuel clause.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed fuel adjustment clause tendered by CP&L on January 15, 1976, as completed on March 3, 1976, and that the proposed fuel adjustment clause be suspended as hereinafter provided.

(2) Good cause exists to grant the petitions to intervene filed on behalf of the EMC's and the ElectriCities.

The Commission orders. (A) Pending a hearing and a decision thereon, CP&L's proposed fuel adjustment clause tendered on January 15, 1976, as completed on March 3, 1976, is hereby accepted for filing, suspended for one day, to become effective January 2, 1976, subject to refund.

(B) The petitions to intervene filed on behalf of the EMC's and the ElectriCities are hereby granted; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the initial conference in this proceeding on May 13, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exception of petitions to intervene, motions to dismiss, as provided for in the Rules of Practice and Procedure.

(D) CP&L, within thirty days of the issuance of this order, shall file its prepared testimony and exhibits on the justness and reasonableness of its proposed fuel adjustment clause.

(E) The Commission's Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10058 Filed 4-7-76;8:45 am]

[Docket No. ER76-533]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, and Setting Procedures

MARCH 31, 1976.

On March 1, 1976 Central Vermont Public Service Corporation (Central Vermont) tendered for filing revised tariff sheets[1] which would raise Central Vermont's rates to certain of its wholesale

[1] On December 10, 1975, an objection to CP&L's requested waiver was filed on behalf of North Carolina Electric Membership Cooperation and Four County Electric Membership Corporation.

[2] The proposed fuel adjustment clause will be superseded by CP&L's recent filing in Docket No. ER76-495. That filing, incorporating a revised fuel clause as well as a proposed rate increase, was accepted and suspended for two months by Commission order issued February 27, 1976. The superseding fuel clause will be permitted to become effective May 1, 1976.

[1] See Appendix A.

customers.[2] The proposed rates are designed to increase Central Vermont's revenues by $926,668 based upon a 1976 test year. The proposed effective date is April 1, 1976. Notice of the filing was issued March 9, 1976 with comments and petitions to intervene due on or before March 22, 1976. Because the proposed rates have not been shown to be just and reasonable, the Commission herein suspends the use thereof for five months.

In support of its rate increase Central Vermont states that it is curently facing a financial crisis which requires it to seek 14.5% return on common equity (10.48% overall) in order to finance its anticipated $80 million construction program. The instant filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall suspend the use of Central Vermont's tariff sheets as filed herein until September 1, 1976 when they shall become effective subject to refund.

Notices and petitions to intervene have been filed by the Vermont Public Service Board and jointly by New Hampshire Electric Cooperative, Inc., and Woodsville, Fire District (Customers). Good cause exists to grant these petitions.

The Customers request summary disposition of CVPSC's use of tax normalization in calculating income taxes for cost of service purposes. Inasmuch as the Commission has before it applications for rehearing of Order 530–A, action on this issue will be deferred pending a final order in that rulemaking docket.

Certain of Central Vermont's filed revised sheets are of a housekeeping nature and accordingly will not be suspended. These sheets are the table of contents and the index of purchasers.

The Commission finds. (1) Central Vermont's tariff sheets as filed effecting a rate increase should be accepted for filing and suspended until September 1, 1976, when they will be permitted to become effective subject to refund, and subject to the conditions specified below.

(2) The above named petitioners should be allowed to intervene in their proceedings.

The Commission orders. (A) Central Vermont's Third Revised Sheet No. 2 and First Revised Sheet No. 4 are hereby accepted for filing to become effective April 1, 1976.

(B) Central Vermont's Third Revised Sheet No. 14, Fourth Revised Sheet Nos. 15 and 16, and Third Revised Sheet Nos. 17 and 18 are hereby accepted for filing and suspended until September 1, 1976, to become effective subject to refund, subject to the conditions specified below.

(C) The above named parties are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their 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.

(D) An initial conference in this proceeding will be held at 10:00 a.m., April 29, 1976, at the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) 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.

(F) APS shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

CENTRAL VERMONT PUBLIC SERVICE CORPORATION

Filed: March 1, 1976.
Nature: Change in tariff rates.

Designation	*Description*
Third Revised Sheet No. 2, (Supersedes 2nd Revised Sheet No. 2)	Table of Contents.
First Revised Sheet No. 4, (Supersedes Original Sheet No. 4)	Index of Purchasers.
Third Revised Sheet No. 14, (Supersedes Second Revised Sheet No. 14)	Resale Service Rate Schedules R–5 and R–5A.
Fourth Revised Sheets Nos. 15 and 16, (Supersedes Second Revised Sheet Nos. 15 and 16)	Do.
Third Revised Sheet No. 17, (Supersedes Second Revised Sheet No. 17)	Do.
Third Revised Sheet No. 18, (Supersedes Second Revised Sheet No. 18)	General Terms and Conditions for Resale Service.

[FR Doc.76–10039 Filed 4–7–76;8:45 am]

[2] Hyde Park Water & Light Department; Johnson Water & Light Department; Ludlow Electric Department; Woodsville Fire District Water & Light Department; New Hampshire Electric Cooperative, Inc.; Allied Power & Light Company; Rochester Electric Light & Power Company and Vermont Marble Company; Connecticut Valley Electric Company, Inc.

[Docket Nos. RP73–65 (PGA76–3)]

COLUMBIA GAS TRANSMISSION CORP.

Extension of Time

MARCH 30, 1976.

On March 22, 1976, Columbia Gas Transmission Corporation (Columbia) filed a motion to extend the time for complying with ordering paragraph (F) of order issued on February 27, 1976, in the above-entitled proceeding.

Upon consideration, notice is hereby given that the time within which Columbia must comply with the filing requirements of ordering paragraph (F) of the above order is extended from March 28, 1976 to and including April 27, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–10046 Filed 4–7–76;8:45 am]

[Docket No. RP75–114]

EAST TENNESSEE NATURAL GAS CO.

Substitute Tariff Sheet

MARCH 31, 1976.

Take notice that on March 22, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Substitute Fourteenth Revised Sheet No. 4 to be effective January 15, 1976.

East Tennessee states that the sole purpose of the revised tariff sheet is to correct an error made by East Tennessee in its filing of December 15, 1975, with respect to the design of its rates. East Tennessee states that Substitute Fourteenth Revised Sheet No. 4 reflects a revision in rate design to reflect the classification of gas supply demand costs on an "as-billed" basis entirely as demand so that East Tennessee's 25–75 rates which became effective on January 15, 1976, will fully comply with the method adopted in Opinion No. 671 in *United Gas Pipe Line Company.* The company also states that the rates on Substitute Fourteenth Revised Sheet No. 4 are based on the same total jurisdictional cost of service underlying the rates in the December 15 ,1975 filing which the Commission accepted to be effective on January 15, 1976, subject to refund. Finally, East Tennessee states in all other respects this tariff sheet is identical to that filed on December 15, 1975, in the above-captioned docket.

East Tennessee states that copies of the filing have been mailed to all parties shown on the certificate of service attached to the December 15, 1975, filing.

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, N.E., 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 April 16, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10049 Filed 4-7-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-2)]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Increase and Staying Procedures With Respect to Certain Small Producer Purchases

MARCH 31, 1976.

On February 23, 1976, the El Paso Natural Gas Company (El Paso) tendered for filing proposed revised tariff sheets to its FPC Gas Tariff reflecting two purchased gas adjustment clause (PGA) rate increases.[1] The first is a 3.53¢ per Mcf increase for sales under its Tariff, Volume Nos. 1, 2, and 2A of Group I, covering all sales except a portion of production system sales under 2A, Group II. That increase reflects (1) a 4.20¢ per Mcf ($49.9 million per year) increase in the average cost of gas and (2) a 0.67¢ per Mcf reduction (from 4.22¢ per Mcf to 3.55¢ per Mcf) in the surcharge to recoup the balance in the deferred account. The second is a PGA rate increase of 12.30¢ per Mcf for sales under Volume 2A, group II, reflecting (1) a 7.41¢ per Mcf increase ($73,700 per year) in the cost of gas and (2) a 4.89¢ per Mcf increase in the surcharge (from 4.31¢ per Mcf to 9.20¢ per Mcf) to recoup the balance in the deferred account.

El Paso requests a proposed effective date of April 1, 1976.

Public notice of this filing was issued on February 27, 1976, with all protests, comments, petitions to intervene due on or before March 15, 1976. No comments were received.

The Commission's review of this filing indicates that the rates included therein are based in part on small producer and 60 day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H as applicable. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, El Paso's proposed increased rates and charges shall be suspended for one day until April 2, 1976, when thev shall become effective, subject to refund.

With regard to the issue of the small producer purchases described above, other than those small producer purchases made pursuant to the Commission's 60 day emergency sales regulation, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[2] and the proposed rulemaking in Docket No. RM76-5.[3]

Notwithstanding the deferral of a procedural schedule on the small producer issue, El Paso shall file within 15 days of the date of this order, a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing who are making sales at rates in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699-B[4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, El Paso shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review indicate that the information filed and any comments related thereto, meets the criterion set forth in Opinion No. 669-B, the Commission shall terminate the proceedings and relieve El Paso of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

The Commission's review of El Paso's claimed increased purchased gas costs indicated that they comply with the standards set forth in Docket No. R-406 except for: (1) that portion of small producer purchasers in excess of the rate levels established in Opnion 742; (2) that portion of 60 day emergency purchases from parties other than small producers at rates in excess of the rate levels established in Opinion 699-H; and (3) costs associated with overriding royalty payments. Accordingly we shall permit El Paso to file a revised tariff sheet to become effective April 1, 1976 to reflect the inclusion of these approved costs.

The proposed surcharge to clear El Paso's unrecovered purchased gas cost account (Account 191) is based, in part, on $26,941 of special unrecovered overriding royalty payments which El Paso had included in Account 191.[5] Although El Paso has previously been permitted to recover unrecovered royalty payments by a special surcharge to its rates,[6] El Paso has not been,[7] and should not be, permitted to collect such costs through its PGA clause because overriding royalty payments do not fit within the definition of purchased gas costs as defined by Section 154.38(d)(4) of the Regulation. Accordingly, El Paso's request to collect unrecovered overriding royalty payments by a surcharge to clear the balance in Account 191 under El Paso's PGA clause shall be denied. However, since elimination of the royalty payments costs from the proposed surcharge to clear Account 191 will have no rate impact in the instant filing, El Paso will not be required to file revised tariff sheets to reflect elimination of such costs but will instead be required to adjust Account 191 to reflect elimination of such costs.

The Commission finds. (1) It is necesary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases other than those small producer purchases made pursant to the Commission's 60-day emergency sales regulation be deferred pending further Commission order, and that El Paso's filing of February 23 1976, be accepted for filing and suspended for one day to become effective April 2, 1976, subject to refund, as hereinafter ordered and conditioned.

(2) El Paso should file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency purchase sales, from whom it purchased gas at rates in excess of the "130% formula" established in Opinion No. 742.

(3) The claimed increased costs included in El Paso's filing have been reviewed and found in compliance with the standards set forth in Docket No. R-406 with the exception of: (1) that portion of small producer purchases in excess of the rate levels established in

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[1] Substitute Sixteenth Revised Sheet No. 3-B to Original Volume No. 1; Substitute Sixth Revised Sheet No. 1-D to Third Revised Volume No. 2; Substitute Eighth Revised Sheet No. 1-C and Fourth Revised Sheet No. 1-D to Original Volume No. 2A.

[2] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[3] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[4] ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

[5] El Paso recovered most of its royalty payments by a special surcharge which was approved by the Commission and the $26,941 represents the unrecovered portion of the royalty payments not recovered by the special surcharge.

[6] *El Paso Natural Gas Company*, Docket Nos. RP73-104 and RP74-57, and Docket Nos. RP74-22, RP74-23, CP74-314, order issued on February 24, 1975, as amended by order issued March 19, 1975; *El Paso Natural Gas Company*, Docket Nos RP72-155, RP73-104, RP74-22, RP74-23, RP74-57, and CP74-314(PGA75-2), order issued on March 31, 1975.

[7] See Appendix.

Opinion 742; (2) that portion of 60 day emergency purchases from parties other than small producers at rates in excess of the rate levels established in Opinion 699–H; and (3) costs associated with overriding royalty payments.

The Commission orders. (A) El Paso's filing of February 23, 1976, is hereby accepted for filing and suspended for one day, until April 2, 1976 when it shall be made effective, subject to refund.

(B) The hearing procedures on the issue of small producer purchases, other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(C) Within 15 days of the date of this order, El Paso shall file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency purchase sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742.

(D) Within 15 days of the date of issuance of this order, El Paso may file a revised tariff sheet to become effective April 1, 1976, which reflects those claimed increased purchased gas costs contained in its PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742; that portion of the 60-day emergency purchases from producers other than small producers in excess of the rate levels prescribed in Opinion 699–H; and those costs associated with special overriding royalty payments.

(E) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, El Paso shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and the comments related thereto, meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Mid Louisiana of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

(F) El Paso shall adjust its Account 191 to reflect elimination of $26,941 in special unrecovered overriding royalty payments.

(G) The Secretary shall cause prompt publication of this order to be issued in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

This is to advise that the subject tariff sheets containing a revised PGA rate increase have been accepted for filing effective April 1, 1975. However, your proposal to place in your Unrecovered Purchased Gas Cost Account any excess or deficiency collected under your surcharge for royalty payments has been denied. You may however, establish a separate account for this purpose.

This acceptance for filing shall not be construed as a waiver of the requirements of Section 7 of the Natural Gas Act, as amended; nor shall it be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation or practice affecting such rate or service contained in your tariff; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against your company.

By direction of the Commission.

[FR Doc.76–10057 Filed 4–7–76;8:45 am]

[Docket No. RP76–24]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

MARCH 31, 1976.

Take notice that on March 15, 1976, Florida Gas Transmission Company (Florida Gas), Post Office Box 44, Winter Park, Florida 32789, tendered for filing First Substitute Ninth Revised Sheet No. 3–A, Thirteenth Revised Sheet No. 4 and Third Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, containing changes in resale rates and tariff provisions in its Rate Schedule G and I for effectiveness on April 15, 1976.

Florida Gas states that the resale rates originally filed in Docket No. RP 76–24 on October 15, 1975, and suspended by Commission order issued November 14, 1975, do not reflect subsequent changes in rates resulting from purchased gas cost adjustments which became effective on January 2, 1976 (Docket No. RP72–136, PGA76–1). Florida Gas further states that it agreed in a recent settlement submitted on February 24, 1976 in Docket No. RP75–53, a prior Florida Gas rate proceeding, to file a revision to its Rate Schedule G to eliminate a discount provision therein, applicable to heating and air conditioning gas, coincident with the effectiveness of its revised rates in Docket No. RP76–24. According to Florida Gas, the revised tariff sheets (First Substitute Ninth Revised Sheet No. 3–A, Thirteenth Revised Sheet No. 4 and Third Revised Sheet No. 5) incorporate the adjustments in its Rate Schedules G and I rates originally filed in Docket No. RP76–24 to reflect current purchase gas costs and the effect of the elimination of the discount provision in Rate Schedule G.

A comparison between the Docket No. RP76–24 rates as originally filed and those proposed to be made effective on April 15, 1976 in the revised tariff sheets submitted with this filing is as follows:

	Cents per therm	
	As filed	As revised
Rate schedule G	8.364	8.340
Rate schedule I	7.022	7.080

The annual effect of the proposed revised rates is an increase of $387,000 above the Docket No. RP76–24 as originally filed, based on test period sales.

In its filing, Florida Gas also tendered Second Substitute Ninth Revised Sheet No. 3–A as an alternate revision in its Rate Schedule G and I resale rates for effectiveness on April 15, 1976. According to Florida Gas, the alternate tariff sheet reflects an adjustment to the Rate Schedule G and I rates as originally filed in Docket No. RP76–24 to reflect the necessary revisions in the suspended rates for only current purchased gas costs. Florida Gas states that the alternate revised tariff has been filed in the event that the Commission declines to grant the necessary waivers and permissions to allow the elimination of the discount provision in Rate Schedule G.

Florida Gas states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume Nos. 1 and 2 and the Florida 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, 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 April 12, 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.76–10050 Filed 4–7–76;8:45 am]

[Docket No. E–9520]

ILLINOIS POWER CO.

Report of Distribution of Refunds

MARCH 31, 1976.

On March 19, 1976, Illinois Power Company (Illinois Power) tendered for filing its verified Report of Distribution of Refunds, with interest on all amounts collected from the Village of Ladd (Ladd) and the City of Oglesby (Oglesby) in excess of the rates in effect prior

to January 1, 1976. This refund was made in accordance with ordering paragraph (c) of Commission "Order Denying Motion to Reject, Modifying Proceedings and Ordering Refunds" issued in this docket on March 8, 1976.

Illinois Power states that the amounts refunded to Ladd and Oglesby were computed on the basis of excess revenue collected under the rate in effect on and after January 1, 1976.

The Commission's March 8, 1976 Order authorized Illinois Power to continue charging Cedar Point Light and Water Company (Cedar Point) under the rate proposed in this proceeding. Accordingly Illinois Power is continuing to bill Cedar Point under the proposed incerased rate that became effective after the suspension period.

Illinois Power states that a copy of this report has been mailed to Commission Staff Counsel and all parties of record.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10052 Filed 4-7-76;8:45 am]

[Docket No. ER76-567]

THE KANSAS POWER AND LIGHT CO.

Renewal Contract Filing

MARCH 31, 1976.

Take notice that on March 18, 1976, The Kansas Power and Light Company (Company) tendered for filing a newly executed renewal contract dated March 1, 1976 with the City of Robinson, Kansas for wholesale electric service to that community. Company states that the filing is a renewal of a similar contract dated March 1, 1966 and designated KPL Schedule FPC No. 50.

The requested effective date of the new contract is April 1, 1976 and Company requests waiver of notice requirements since it states that there are no changes in conditions of service and the applicable rate schedule WSM-75 was ordered by the Commission in Docket No. ER76-39 to become effective October 1, 1975 subject to refund pending final orders in that docket.

Company states that the contract has been executed by both parties and that copies of the contract have been mailed to the City of Robinson and to the Kansas State Corporation 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, N.E., 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 April 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.76-10055 Filed 4-7-76;8:45 am]

[Docket No. ID-1778]

JACK LLOYD

Application

MARCH 31, 1976.

Take notice that on February 10, 1976, Jack Lloyd (Applicant), Vice President of Appalachian Power Company, Roanoke, Virginia, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President[1] Appalachian Power Company (Appalachian Power) Public Utility.
Director[2] Kanawha Valley Power Company[3] (Kanawha Valley) Public Utility.

Appalachian Power serves 1,655 communities and a population of 1,550,000 in a 7,740 square mile area in western Virginia and southern and western West Virginia. Kanawha Valley owns and operates three hydro-electric generating stations. All of the available energy is sold to Appalachian Power.

Any person desiring to be heard or to make any protest with reference to such application should, on or before April 26, 1976, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 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 the 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10053 Filed 4-7-76;8:45 am]

[Docket No. RP73-91 (PGA76-2)]

McCULLOCH INTERSTATE GAS CORP.

Order Accepting for Filing and Suspending Proposed PGA Adjustment, Permitting Intervention and Deferring Hearing Procedures

MARCH 31, 1976.

On February 17, 1976, McCulloch Interstate Gas Corporation ("McCulloch") tendered for filing Seventh Revised Sheet No. 32 to its FPC Gas Tariff Original Volume No. 1. The proposed tariff sheet provides for a purchased gas adjustment rate increase of 12.12¢ per MMBtu. According to McCulloch, its proposed rate increase is to recover the balance in its unrecovered purchased gas cost account as of December 31, 1974 and December 31, 1975, and to provide for a current gas cost adjustment to recover the higher cost of gas purchases which it is presently incurring. McCulloch requests that its proposed rate increase become effective on April 1, 1976.

Public notice of McCulloch's filing was issued on February 20, 1976, with protests, comments and petitions to intervene due on or before March 8, 1976.

On March 8, 1976, Colorado Interstate Gas Company (CIG) filed a Protest and Petition to Intervene. CIG alleges that the base tariff rate proposed in McCulloch's instant filing is incorrect. We note that the appropriate base tariff rate is presently at issue in Docket No. RP75-98. Accordingly, we shall order that the determination of the proper base tariff rate in the instant docket shall be subject to the outcome of the proceeding in Docket No. RP75-98.

Our review of McCulloch's filing indicates that the proposed rate is based in part on small producer purchases in excess of the rate levels prescribed in Opinion Nos. 742. Therefore the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheet for filing, and we shall suspend its effectiveness for one day until April 2, 1976, when it shall become effective subject to refund as hereinafter ordered and conditioned. We shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[1] and the proposed rulemaking in Docket No. RM76-5.[2]

Notwithstanding our deferral of establishing a procedural schedule for the small producer issue, McCulloch shall file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in the instant filing which are in excess of the "130% formula" rates prescribed by Opinion No. 742.

Our review of those claimed increased purchased gas costs contained in McCulloch's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of rate levels prescribed by the "130% formula" prescribed in Opinion No. 742, indicates that they should be approved as being in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit McCulloch to file a revised tariff

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[1] Elected to this position on October 14, 1975.

[2] Elected to this position on December 18, 1975.

[3] Subsidiary of Appalachian Power which is a subsidiary of American Electric Power Company, Inc.

[1] ____ FPC ____, issued August 28, 1975, in Docket No. R-393.

[2] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

sheet to become effective April 1, 1976, which reflect the costs in McCulloch's filing which are in conformance with Docket No. R–406, as indicated above.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the tariff sheet filed by McCulloch on February 17, 1976, be accepted for filing and suspended for one day until April 2, 1976, when it shall become effective, subject to refund.

(2) Good cause exists to defer establishing hearing procedures to determine the justness and reasonableness of the small producers purchase in excess of the rate levels prescribed in Opinion No. 742 pending further order of the Commission.

(3) Good cause exists to require McCulloch to file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in the instant filing which are in excess of the rate levels prescribed by Opinion No. 742.

(4) Good cause exists to make the determination of the proper base tariff rate in the instant docket subject to the outcome of the proceeding in Docket No. RP75–98.

(5) The claimed purchased gas costs in McCulloch's rate filing, other than those claimed increased costs associated with that portion of small producer purchase sin excess of the "130% formula" prescribed in Opinion 742, are in compliance with the standards set forth in Docket No. R–406.

(6) It is desirable and in the public interest to permit CIG to intervene in the proceeding in this docket, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders. (A) McCulloch's proposed tariff sheet as filed on February 17, 1976, is hereby accepted for filing and the effectiveness thereof suspended for one (1) day and the use thereof deferred until April 2, 1976, when the proposed tariff sheet shall become effective, subject to refund.

(B) Hearing procedures regarding the justness and reasonableness of the small producer purchases in excess of the rate levels prescribed by Opinion No. 742 are hereby deferred pending further order of the Commission.

(C) McCulloch shall file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in the instant filing which are in excess of the rate levels prescribed by Opinion No. 742.

(D) The determination of the proper base tariff rate in the instant docket shall be subject to the outcome of the proceeding in Docket No. RP75–98.

(E) CIG is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) Within 15 days of the date of issuance of this order, McCulloch may file revised tariff sheets to become effective April 1, 1976, which reflect those claimed increased purchased gas costs contained in McCulloch's filing, other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–10051 Filed 4–7–76;8:45 am]

[Docket No. RP76–66]

MCCULLOCH INTERSTATE GAS CORP.

Order Accepting and Suspending Proposed Rate Increase, Granting Intervention, Denying Motion To Reject and Establishing Procedures

MARCH 31, 1976.

On March 2, 1976, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing proposed First Revised Sheet No. 38 (First Alternative and Second Alternative) to its FPC Gas Tariff, Original Volume No. 1. McCulloch proposes to increase its presently effective X–1 rate by 11.18¢ per Mcf, or, in the alternative, 2.60¢ per Mcf, which would provide an annual estimated increase in revenues by approximately $735,706 or approximately $171,925, respectively. The proposed change in rates, McCulloch states, is for the purpose of recovering increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Company (CIG), to reflect a reclassification and allocation of the cost of service, and to insure a reasonable rate of return. McCulloch points out that the first alternative rate reflects the utilization of a volumetric allocation of costs, while the second alternative rate reflects the utilization of an inch-mile method of allocation. McCulloch requests an effective date of April 1, 1976.

Public notice of McCulloch's filing was issued on March 18, 1976, with all protests, comments or petitions to intervene due on or before March 30, 1976. On March 26, 1976 Mountain Fuel Supply Company (Mountain Fuel) filed a petition to intervene, protest, and motion to reject McCulloch's proposed filing.

McCulloch's basis for its alternative filings appears to be based upon the fact that the proper allocation method for allocating costs to its transportation rate has not yet been determined by the Commission. Pending before the Administrative Law Judge in Docket No. RP75–98 is the issue of proper allocation with respect to McCulloch's resale service-rates. In that proceeding alternate methods of cost allocation have been advanced by the parties and the Commission Staff. The instant filing therefore appears to be an attempt to place into effect either a rate reflecting the volumetric method of allocating costs (First Alternative), which would, by its higher rates, protect McCulloch from the possibility of undercollections, or a rate reflecting the inch-mile method of allocating costs (Second Alternative), which with a lower rate for transportation service, reflects the allocation method advocated by McCulloch in Docket No. RP75–98.

Mountain Fuel's basis for seeking rejection is premised upon its position that the allocation of costs on McCulloch's system should be determined in a general rate case in which all of McCulloch's customers would be represented, rather than in separate filings for sales and transportation customers. Mountain Fuel states that it has not been heard with respect to the cost allocation or rate design issues. In the alternative Mountain Fuel requests the Commission to accept the lower rate tendered by McCulloch for filing, suspend its effectiveness for five months, and set the matter for hearing.

Upon review of McCulloch's rate filing the Commission finds that it is proper to accept First Alternative First Revised Sheet No. 38 in order to permit McCulloch the opportunity to avoid being subjected to possible undercollections upon final decisions of the proper allocation for the system. However our review of the rates contained in that sheet indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall therefore accept First Alternative First Revised Sheet No. 38 for filing, suspend its effectiveness for five months, until September 1, 1976, subject to refund and establish hearing procedures. Because of the Commission's acceptance of McCulloch's First Alternative Sheet it is not necessary to act with respect to McCulloch's proposed Second Alternative Sheet. We shall therefore deny Mountain Fuel's motion to reject McCulloch's filing. McCulloch has complied with the filing requirements set forth in the Commission's Regulations. Moreover we cannot conclude, at this time, that any decision in Docket No. RP75–98 on the allocation of costs to McCulloch's sales customers will be determinative of the proper allocation of costs at issue in the present proceeding. The Commission further finds, in light of the fact that Docket No. RP75–98 is now pending before the Presiding Administrative Law Judge for decision, that a Consolidation of this proceeding is not appropriate.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept McCulloch's First Alternative First Revised Sheet No. 38 for filing, suspend its effectiveness for five months, until September 1, 1976, subject to refund and establish procedures as hereinafter ordered.

(2) Good cause exists to grant the petition to intervene filed on behalf of Mountain Fuel.

(3) Good cause does not exist to grant the motion to reject McCulloch's filing on behalf of Mountain Fuel.

The Commitssion orders. (A) Pending a hearing and decision thereon, McCulloch's proposed First Alternative First Revised Sheet No. 38 is hereby accepted for filing and suspended for five months, until September 1, 1976, subject to refund.

(B) The motion to reject McCulloch's proposed changes filed on behalf of Mountain Fuel is hereby denied.

(C) The petition to intervene filed on behalf of Mountain Fuel is hereby granted, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) The motion to reject McCulloch's proposed changes filed on behalf of Mountain Fuel is hereby denied.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on May 13, 1976 at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(F) 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.76-10062 Filed 4-7-76;8:45 am]

[Docket No. RP74-100 (PGA No. 76-6)]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Purchased Gas Cost Adjustment, Subject to Conditions, and Deferring Hearing Procedures With Respect to Certain Small Producer Purchases

MARCH 31, 1976.

On March 1, 1976, National Fuel Gas Supply Corporation (National Fuel) tendered for filing revised tariff sheets[1] which reflect a 3.06 cents per Mcf rate increase pursuant to its Purchased Gas Adjustment Clause. The proposed rate increase reflects (1) a 0.71 cent per Mcf ($1,380,604 annually) increase in purchased gas costs, (2) a 3.76 cents per Mcf surcharge to recover $2,162,208 in deferred purchased gas costs, and (3) the elimination of the current 1.41 cents per Mcf surcharge. National Fuel requests an effective date of April 1, 1976.

Public notice of National Fuel's filing was issued on March 18, 1976, with protests or petitions to intervene due on or before April 1, 1976.

Our review of National Fuel's filing indicates that the rates included therein are based in part on small producer purchases, one of which[2] was made pursuant to the Commission's 60 day emergency sales regulation, in excess of the rate levels prescribed in Opinion No. 742. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until April 2, 1976, when they shall become effective subject to refund, as hereinafter ordered and conditioned.

With regard to the issue of the small producer purchases described above, other than the small producer purchase made pursuant to the Commission's emergency sales regulations, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[3] and the proposed rulemaking in Docket No. RM76-5.[4]

Notwithstanding our deferral of a procedural schedule on the small producer issue, National Fuel shall file within 15 days of the date of this order a list of the small producers, other than the small producer which made the emergency sale to National Fuel, reflected in the instant filing in excess of the "130% formula" rates.

With regard to the 60-day emergency purchase from Acme, the Commission noted in Opinion No. 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchase and in determining whether a public hearing is necessary thereon, National Fuel shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If, upon review of the information filed and any comments related thereto, we find the criterion set forth in Opinion No. 699-B has been met, the Commission shall terminate the proceedings and relieve National Fuel of its refund obligation. Should our review of the information any any comments related thereto indicate that further proceedings are required as to the 60-day emergency purchase, they would be established by subsequent order.

Our review of National Fuel's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R-406 with the exception of those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels prescribed by Opinion No. 742. Accordingly, we shall permit National Fuel to file revised tariff sheets, to become effective April 1, 1976, reflecting elimination of the costs discussed above, as hereinafter ordered and conditioned.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases, other than the small producer purchase made pursuant to the Commission's 60 day emergency sales regulation, be deferred pending further Commission order, and that National Fuel's Seventh Revised Sheet No. 4 to Original Volume No. 1 be accepted for filing and suspended for one day, to become effective April 2, 1976, subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that National Fuel be permitted to file, to become effective April 1, 1976, revised tariff sheets reflecting the elimination of purchased gas costs associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742.

(3) The claimed increased costs, other than those associated with that portion of small producer purchases in excess of the rate levels established in Opinion No. 742, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) National Fuel's proposed Seventh Revised Sheet No. 4 to Original Volume No. 1 of its FPC Gas Tariff tendered in this docket on March 1, 1976, is hereby accepted for filing and suspended for one day, until April 2, 1976, when it shall become effective, subject to refund.

(B) The hearing procedures on the issue of small producer purchases, other than the small producer purchase made pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

[1] Designated Seventh Revised Sheet No. 4 to Original Volume No. 1.

[2] The purchase was made from Acme Natural Gas Company (Acme).

[3] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[5] ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

(C) Within 20 days of the date of this order, National Fuel shall file with the Commission a list, including addresses, of the small producers, other than the small producer making the 60-day emergency sale, from whom it purchased at rates in excess of the rate levels provided for by Opinion No. 742.

(D) Within 20 days of the date of issuance of this order, National Fuel may file revised tariff sheets to become effective April 1, 1976, which reflect those claimed increased purchased gas costs contained in its PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion No. 742.

(E) To assist in Commission review of the 60-day emergency purchase and in determining whether a public hearing is necessary thereon, National Fuel shall file and serve on all its customers and interested state commissioners within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve National Fuel of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

(F) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–10065 Filed 4–7–76;8:45 am]

[Docket No. RP73–36 (PGA No. 76–2)]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing Proposed Tariff Sheet, Reflecting PGA Adjustment, Subject to Conditions, and Granting Intervention

MARCH 31, 1976.

On February 25, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Sixteenth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1, reflecting a PGA rate increase of 9.66¢ per Mcf to track (1) increased gas costs of $5,111,398 from Trunkline Gas Company (Trunkline)[1], (2) increased purchased gas costs of $12,167,998 from produced suppliers[2], and (3) estimated deferred costs of $8,034,768, estimated to be incurred through March 31, 1976. Panhandle states that the subject revised sheet is tendered in accordance with Paragraph (C)[3] of the Commission's Opinion No. 749 issued December 31, 1975, and reflects only those increases in purchased gas costs as authorized by the Commission in Opinion No. 749 to be effective January 1, 1976. Panhandle proposes the rate change be made effective as of April 1, 1976.

Public notice of Panhandle's filing was issued on March 4, 1976, with all comments, protests or petitions to intervene due on or before March 23, 1976.

On March 15, 1976, Kokomo Gas and Fuel Company (Kokomo) filed a petition to intervene in which it requested that the Commission suspend and order a hearing on Panhandle's proposed revised tariff sheet. Kokomo states that it objects to any proposed increase in rates charged by Panhandle to Kokomo as the result of implementing Opinion No. 749. Moreover, Kokomo urges the Commission to clarify Opinion No. 749 "respecting the need therefore, the jurisdiction of the Commission to issue said order, and the adverse impact which the implementation of said order will have upon Kokomo and its customers."

Kokomo's request for clarification of Opinion No. 749 is not properly raised in this proceeding. Insofar as Kokomo desires to challenge the bases of Opinion No. 749, it should file its protest in Docket No. R–478 in which rehearing for the purpose of reconsideration has been granted by Opinion No. 749–A, issued February 27, 1976.

Panhandle states that the purchased gas cost increases by producers being tracked in the subject filing are based on contractual agreements. Panhandle proposes that any costs not incurred by January 1, 1976, by reason of a producer not having filed by March 31, 1976, as required by Order No. 749, would be applied to Panhandle's deferred purchased gas cost account. Ordering paragraph (C) of Opinion No. 749 provides for recovery by pipelines of purchased gas cost increases charged by producers only if those increased rates are in effect pursuant to filings made by the producers on or before March 31, 1976. Therefore, Panhandle may not properly reflect in its deferred purchased gas cost account the effect of producer increases not incurred by Panhandle as of April 1, 1976, because the filing pursuant to which the increase could be charged was not made by the producer on or before March 31, 1976. Accordingly, Panhandle will be required to eliminate from the proposed rate the effect of any producer increase which does not become effective as of April 1, 1976.

Inasmuch as Panhandle's PGA rate adjustment proposes to track increased gas costs charged to Panhandle by Trunkline, Panhandle will also be required to reflect in its rates any adjustment made in Trunkline's rate to Panhandle.

Our review of Panhandle's claimed increased purchased gas costs other than those claimed increased costs which will not be incurred by Panhandle as of April 1, 1976, indicates that they comply with Opinion Nos. 749 and 749–A. Accordingly, Panhandle's revised tariff sheet tendered for filing on February 25, 1976, will be accepted for filing and permitted to become effective April 1, 1976, subject to Panhandle's filing a substitute revised tariff sheet reflecting the elimination of the effect of any supplier costs which will not be incurred by Panhandle as of April 1, 1976.

The Commission finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Panhandle's proposed PGA rate adjustment tendered in this docket on February 25, 1976, be accepted for filing and permitted to become effective April 1, 1976, as hereinafter ordered and conditioned.

(2) Good cause exists to permit Kokomo to intervene in this proceeding, as hereinafter conditioned.

The Commission orders. (A) Panhandle's proposed PGA rate adustment tendered in this docket on February 25, 1976, is hereby accepted for filing to become effective as of April 1, 1976, as hereinafter conditioned.

(B) Within 20 days of the date of issuance of this order, Panhandle shall file a substitute revised tariff sheet reflecting the elimination of the effects of any supplier costs which will not be incurred by Panhandle as of April 1, 1976.

(C) Kokomo's petition to intervene is hereby granted: *Provided, however,* that the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene with the exclusion of its opposition to Opinion No. 749; and *Provided further,* that the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) 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.76–10063 Filed 4–7–76;8:45 am]

[Project No. 2305]

SABINE RIVER AUTHORITY OF TEXAS AND SABINE RIVER AUTHORITY, STATE OF LOUISIANA

Extension of Time

MARCH 31, 1976.

On March 29, 1976, Staff Counsel filed a motion to extend the time for filing

[1] Based on 12 month period ending October 31, 1975.

[2] Based on 6 month period ending October 31, 1975.

[3] Ordering Paragraph (C) of Opinion No. 749 provides that pipelines companies having effective purchased gas adjustment clauses on January 1, 1976, may file on or before March 31, 1976, a special rate increase to track the Section 2.56B filings, provided the rates are in effect pursuant to producer filings made on or before March 31, 1976.

briefs opposing exceptions to the initial decision issued on January 14, 1976, in the above-entitled proceeding. Staff Counsel states that the Authorities do not object to the requested extension.

Notice is hereby given that the time for filing briefs opposing exceptions in the above proceeding is extended from April 1, 1976 to and including April 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10056 Filed 4-7-76;8:45 am]

[Docket No. RP72-121; (PGA No. 76-3a)]

SOUTHWEST GAS CORP.

Order Accepting for Filing and Suspending Proposed PGA Adjustment

MARCH 31, 1976.

On February 23, 1976, Southwest Gas Corporation (Southwest) tendered for filing a net PGA rate reduction [1] to reflect (1) a decrease of $474,638 in the cost of gas purchased from its sole supplier, Northwest Pipeline Corporation (Northwest), (2) a decrease of .18¢ per therm in the surcharge to clear a negative balance of $117,895 in the deferred account, and (3) an increase of .004¢ per therm or $3,883 annually for the additional cost of purchasing LNG from Northwest. Southwest requests that the proposed rate become effective April 1, 1976.

Public notice of Southwest's filing was issued on March 4, 1976, with protests and petitions to intervene due on or before March 23, 1976.

Our review of the filing indicates that Southwest proposes to flow increased LNG costs from Northwest through its PGA clause. By order issued November 28, 1975, in Docket Nos. RP76-37 and RP72-121, a similar PGA filing by Southwest containing LNG costs was suspended and set for hearing to determine whether such LNG costs should be flowed through the PGA clause to Southwest's customers on a rolled-in basis or whether such costs should be collected by a separate rate schedule on an incremental basis. Accordingly, it is necessary and appropriate that the instant filing be accepted for filing and suspended for one day until April 2, 1976, and that the issues related to recovery of LNG-related costs in the instant case be made subject to the determination of those issues in Docket Nos. RP76-37 and RP72-121.

The Commission finds. (1) Good cause exists to accept for filing the revised tariff sheet designated in footnote 1 and to suspend its effectiveness for one day to become effective April 2, 1976, subject to refund.

(2) The rate proposed herein should be made subject to the outcome of the proceedings initiated by order issued November 28, 1975, in Docket Nos. RP76-37 and RP72-121.

The Commission orders. (A) The revised tariff sheet designated in footnote 1 is hereby accepted for filing and suspended for one day, to become effective April 2, 1976, subject to refund.

(B) The rate proposed herein shall be subject to adjustment consistent with the outcome of the proceedings initiated by order issued November 28, 1975, in Docket Nos. RP76-37 and RP72-121.

(C) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10064 Filed 4-7-76;8:45 am]

[Docket No. RP75-75; (AP76-7)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Making Effective, Subject to Refund, Advance Payment Tracking Filing and Prescribing Hearing Procedures

MARCH 31, 1976.

On February 13, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing proposed revised tariff sheets [1] reflecting an increase in Transco's rates of 1.4¢ per Mcf, or $9,000,223 annually. This increase results from an increase $60,585,000 in the amount of advance payments included in Transco's rate base over the level of advances reflected in Transco's rates which became effective, subject to refund, March 2, 1976, subject to refund. Transco proposes an April 1, 1976, effective date for its filing.

Transco's filing consists of advances of $16,524,315 attributable to new advance payments agreements; [2] $10,940,319 under a December 17, 1975, supplement to an April 18, 1975, agreement with Atlantic Richfield Company (ARCO); [3] and the remainder of additional advances less repayments received under agreements reflected in presently effective rates.

The filing was noticed on March 9, 1976, with responses due on or before March 19, 1976. No responses have been received.

The Commission's review of the $10,940,319 of advances made pursuant to the supplemental agreement with ARCO, as well as the advances made pursuant to the contracts listed in footnote 2 of this order, indicates that they have not been shown to be reasonable and appropriate under Order 499. Accordingly, costs related to these advances shall be collected, subject to refund, pending a hearing to determine the reasonableness and appropriateness of the subject advances, as hereinafter ordered and conditioned.

With respect to the Pan Canadian agreement, which is listed in footnote 2 of the order, the Commission's review thereof indicates that it may not conform with Order No. 529 in that the agreement contains vague pricing language which may permit the producer to avoid the requirement that the producer must accept the just and reasonable rate prescribed by the Commission. It should be noted that the language is similar to that contained in Transco's October 30, 1975 agreement with Skelly Oil Company. By order issued March 12, 1976, in Docket Nos. RP75-75 (AP76-5) and (AP 76-6), the Commission found that the submission by Transco and Skelly of letters stating that it was the intent of the parties that the language be interpreted to require the producer to accept the just and reasonable rate was sufficient, in conjunction with a review of the contract, to find that the agreement conformed to the subject provision of Order 529. Accordingly, we shall accept the Pan Canadian advance, subject to refund, and subject to the condition that Transco file a letter from the producer affirming that the contract language requires it to accept the just and reasonable rate prescribed by the Commission.[4]

Costs relating to the remainder of the advances, which are additional advances made pursuant to agreements which are at issue in earlier Transco proceedings, shall be collected subject to refund pending final decisions in those earlier proceedings with respect to the subject agreements.

The Commission finds. (1) Transco's February 13, 1976, filing should be made effective, subject to refund, as of April 1, 1976, as hereinafter ordered and conditioned.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act to establish hearing procedures to determine the reasonableness and appropriateness of the $10,940,319 of advances made pursuant to the supplemental agreement with ARCO and the $16,524,315 of advances made pursuant to

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[1] Designated: Fourteenth Revised Sheet No. 3A to FPC Gas Tariff, Original Volume No. 1. The filing was amended on March 8, 1976, to correct an error in calculation.

[1] See Appendix for list of tariff sheets.

[2] See following table:

Producer	Agreement date	Balance, Jan. 31, 1976
Louisiana Land & Exploration Co.	Oct. 1, 1975	$5,208,252
Louisiana Land Offshore Exploration Co.	do	5,208,252
Oil Development Co. of Texas	Dec. 24, 1975	2,502,000
Pan-Canadian Petroleum Co	Dec. 15, 1975	1,466,963
Transco Exploration Co (Hope plant)	Dec. 17, 1975	188,282
Transco Exploration Co. (McMoran)	Aug. 15, 1975	1,951,566
Transco Exploration Co. (HI A-562)	do	5,000

[3] Transco's original agreement which is reflected in its underlying settlement rates covered only 11 offshore blocks whereas the supplemented agreement now covers 52 offshore blocks.

[4] Transco has already filed a sworn statement on its own behalf to that effect.

the contracts listed in footnote 2 of the order.

The Commission orders. (A) Pursuant to the Natural Gas Act, particularly Section 4 thereof, and the Commission's Rules and Regulations, a hearing shall be held to determine the reasonableness and appropriateness of the $16,524,315 of advances listed in footnote 2 of the order and the $10,940,319 of advances made pursuant to the supplemental agreement with ARCO.

(B) Transco's filing shall be made effective, subject to refund, as of April 1, 1976, pending the outcome of the proceedings in the instant docket for the advances discussed in Ordering Paragraph (A) above; and pending final determination in earlier Transco proceedings with respect to the remainder of the advances contained in Transco's February 13, 1976, finding.

(C) The Pan Canadian advance, which is set for hearing in Ordering Paragraph (A) above, is accepted, subject to refund and hearing, upon condition that Transco file, within 20 days of the date of issuance of this order, a statement from the producer confirming that the advance payment agreement requires the producer to accept the just and reasonable rate prescribed by the Commission.

(D) Transco shall file its direct evidence in this proceeding on or before May 5, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 9:30 A.M., May 20, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure), subject to review by the Commission.

(F) 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.76-10061 Filed 4-7-76;8:45 am]

[Docket No. RP74-52; (PGA76-2)]

TRANSWESTERN PIPELINE CO.

Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets for Filing, Suspending Proposed Tariff Sheets, Granting Interventions and Establishing Procedures

MARCH 31, 1976.

On February 17, 1976, Transwestern Pipeline Company (Transwestern) filed alternate PGA rate increases [1] of 12.5¢ and 10.52¢ per decatherm (dth) to track increased gas costs of 8.38¢ per dth or $25,986,832 per year and to reflect increased balances in the Unrecovered Purchased Gas Cost Account. Both alternate increases reflect increased producer costs including increased costs resulting from Opinion No. 749.[2] The higher increase reflects a Deferred Account balance of $9,929,544 which is $2,365,177 higher than reflected by the lower increase. This $2,365,177 represents the impact of Opinion 749 rates for the period July through September 1976. Anticipating a one day suspension, Transwestern submitted alternate increases eliminating the impact (9.02¢ per dth) of small producer and emergency purchases that are in excess of Opinion Nos. 699-H and 742. Transwestern proposed an April 1, 1976, effective date.

Public notice of Transwestern's filing was issued by the Commission on February 20, 1976. On March 1, 1976, Southern California Gas Company (Southern California) and Pacific Lighting Service Company (Pacific) filed a joint petition to intervene.

Transwestern's higher alternate increase reflecting the inclusion in the deferred account of an adjustment for the impact of Opinion No. 749 for the period July through September 1976, would permit Transwestern to commence collecting increased rates April 1 to recoup costs it would not incur until July 1, 1976. Opinions 749 and 749-A provide that pipelines must file a separate special PGA rate increase to track producer rate increases which are to become effective as of July 1, 1976, pursuant to Opinion No. 749. Accordingly, Transwestern's higher alternate 12.5¢ per dth increase, and the comparison filing reflecting elimination of that portion of small producer and emergency purchases, in excess of the date levels prescribed in Opinion Nos. 742 and 699-H, as applicable, are rejected.

The Commission's review of Transwestern's lower alternate tariff sheets indicates that they reflect, *inter alia*, small producer purchases and 60 day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, as applicable. Furthermore, the lower alternate tariff sheets reflect increased costs from large producers resulting from Opinion No. 749 which are not in effect pursuant to producer filings made on or before March 31, 1976.

The proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will suspend the effectiveness of the lower alternate tariff sheets for one day until April 2, 1976, when the rates contained therein shall become effective subject to refund, and subject to the condition that within 20 days of the date of issuance of the order, Transwestern shall file substitute tariff sheets reflecting elimination of costs related to producer increases under Opinion 749 which are not in effect pursuant to producer filings made on or before March 31, 1976.

Pending Commission action on rehearing of Opinion No. 742 [3] and the proposed rulemaking in Docket No. RM76-5,[4] the Commission will defer establishing a hearing schedule for the small producer purchases contained in the third set of alternate tariff sheets which were made at levels in excess of the applicable rate levels prescribed in Opinion Nos. 742 and 699-H, other than small producer purchases made pursuant to the Commission's emergency sales regulations. The Commission notes further that while Transwestern has submitted a list of small producers, other than small producers making emergency sales, reflected in the instant filing as having made sales at rates in excess of the "130% formula", Transwestern has failed to include the addresses of such producers. Accordingly, the Commission will require that a list of these producers together with their respective addresses be filed with the Commission within 20 days of the date of this order.

With regard to the 60-day emergency purchases contained in the third set of alternate tariff sheets which were made at levels in excess of the applicable rate levels prescribed in Opinion Nos. 742, 699-H, the Commission noted in Opinion No. 699-B [5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances". To assist the Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Transwestern shall be required to file and serve on all its customers and interested state commissions within thirty days of the date of this order, the following information: (1) the pipeline's need for the gas; (2) the availability of other gas supplies; (3) the amount of gas purchased under each 60-day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review of the information filed, and any comments filed with respect thereto, indicate that the information filed meets the criterion set forth in Opinion No. 699-B, the Commission will terminate the proceedings with respect to the 60-day emergency sales and relieve Transwestern of its refund obligation. Should

[1] See Appendix A for list of tariff sheets.

[2] Just And Reasonable National Rates For Sales Of Natural Gas From Wells Commenced Prior To January 1, 1973, Opinion No. 749 —— FPC —— (issued December 31, 1975).

[3] —— FPC —— issued August 28, 1975 in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice Of Proposed Rulemaking, issued August 28, 1975.

[5] —— FPC —— issued September 9, 1975, in Docket No. R-389-B.

the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they will be established by subsequent order.

The Commission's review of the companion filing to the lower alternate PGA rate increase, which reflects the elimination from the lower alternate PGA increase of costs associated with that portion of small producer purchases in excess of Opinion 742 and that portion of 60 day emergency purchases from other than small producers in excess of the rate levels prescribed in Opinion 699–H, indicates that the claimed increased costs contained therein should be accepted and made effective as of April 1, 1976, as being in compliance with the standards prescribed in Docket No. R–406 subject to the condition that Transwestern file, within 20 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of producer costs pursuant to Opinion No. 749 not filed for by March 31, 1976.

The Commission further finds. (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Transwestern's 12.5¢ per dth alternate tariff sheets (Revised Second Revised Sheet Nos. 5 and 6) and the companion alternate tariff sheets (Second Revised Sheet Nos. 5 and 6 which were tendered in this docket on February 17, 1976, be rejected.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Transwestern's 10.52¢ per dth lower alternate filing which was tendered in this docket on February 17, 1976, be accepted for filing, suspended for one day until April 2, 1976, when they shall become effective, subject to refund, and subject to the condition that Transwestern file, within 20 days of the date of issuance of this order, substitute tariff sheets to become effective, subject to refund, as of April 2, 1976, which reflect elimination of costs associated with anticipated producer rate increases pursuant to Opinion No. 749 not in effect pursuant to producer filings made on or before March 31, 1976.

(3) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Transwestern's companion filing to the lower alternate 10.52¢ per dth be accepted for filing to become effective as of April 1, 1976, subject to the condition that Transwestern file substitute tariff sheets to become effective as of April 1, 1976, which reflect elimination of costs associated with anticipated producer rate increases pursuant to Opinion No. 749 not in effect pursuant to producer filings made on or before March 31, 1976.

(4) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases, other than small producer purchases made pursuant to the Commission's emergency sales regulations, be deferred pending further Commission order.

(5) Participation in this proceeding by Southern California and Pacific may be in the public interest.

The Commission orders. (A) Transwestern's proposed higher alternate 12.5¢ per dth rate increase (Revised Second Revised Sheet Nos. 5 and 6) and the companion alternate tariff sheets (Second Revised Sheet Nos. 5 and 6) tendered on February 17, 1976, are rejected.

(B) Transwestern's proposed lower alternate 10.52¢ per dth PGA increase is accepted for filing and suspended for one day until April 2, 1976, subject to the condition that Transwestern file, within 20 days of the date of issuance of this order, substitute tariff sheets to become effetcive April 2, 1976, subject to refund, reflecting elimination of costs associated with anticipated producer increases pursuant to Opinion 749 which are not in effect pursuant to producer filings made on or before March 31, 1976.

(C) Transwestern's companion filing to the lower alternate 10.52¢ per dth PGA rate increases is accepted subject to the condition that Transwestern file, within 20 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of costs associated with anticipated producer increases pursuant to Opinion 749 which are not in effect pursuant to producer filings made on or before March 31, 1976.

(D) The hearings procedures on the issues of small producer purchases made at rate levels in excess of the rate levels prescribed by Opinion No. 742, other than small producer purchases made pursuant to the Commission's emergency sales regulations, are hereby deferred pending further Commission order.

(E) Within 20 days of the date of this order, Transwestern shall file with the Commission a list, including addresses, of the small producers making sales at rate levels in excess of the rate levels prescribed by Opinion No. 742. This list should not include those small producers, if any, who have sold to Transwestern exclusively under the Commissions' emergency sales regulations.

(F) To assist the Commission in its review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Transwestern shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas; (2) the availability of other gas supplies; (3) the amount of gas purchased under each 60-day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review of the information and any comments thereon indicate that the information meets the criterion set forth in Opinion No. 699–B, the Commission will terminate the proceedings and relieve Transwestern of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they will be established by subsequent order.

(G) Southern California and Pacific are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of these parties shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* that the admission of these parties 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.

(H) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

TRANSWESTERN PIPELINE COMPANY

Tariff Sheets Proposed To Be Effective April 1, 1976

Revised Second Revised Sheet Nos. 5 and 6 [1]
Second Revised Sheet Nos. 5 and 6 [2]
Alternate Revised Second Revised Sheet Nos. 5 and 6 [3]
Alternate Second Revised Sheet Nos. 5 and 6 [4]
All to FPC Gas Tariff, Second Revised Volume No. 1

[FR Doc.76–10066 Filed 4–7–76;8:45 am]

[Docket No. CP76–309]

UGI CORP.

Application

MARCH 31, 1976.

Take notice that on March 26, 1976, UGI Corporation (Applicant), 225 Morgantown Road, Reading, Pennsylvania 19602, filed in Docket No. CP76–309 an application for a disclaimer of jurisdiction under the Natural Gas Act or, in the alternative, for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act with regard to an arrangement for the return of natural gas stored for Applicant by Algonquin LNG, Inc. (Algonquin LNG), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that pursuant to an agreement of September 3, 1975, as

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[1] Alternate increase of 12.5¢ per dth.

[2] Alternate increase of 12.5¢ per dth less impact of small producer and emergency purchases at rates in excess of levels established by Opinion Nos. 742 and 699–H, as applicable.

[3] Alternate increase of 10.52¢ per dth.

[4] Alternate increase of 10.52¢ per dth less impact of small producer and emergency purchases at rates in excess of levels established by Opinion No. 742 and 699–H, as applicable.

later amended, Algonquin LNG agreed to store up to 133,300 barrels of liquefied natural gas (LNG), equivalent to 462,500 Mcf of vaporous gas, for Applicant for withdrawal prior to May 1, 1976. On the same date Applicant is said to have entered into an agreement with Algonquin Gas Transmission Company (Algonquin Transmission) whereby Algonquin Transmission agreed to deliver the stored gas to Applicant at a point to be designated by Applicant. Applicant states that the entire transaction was to be carried out as contemplated in the temporary certificate issued to Algonquin LNG and Algonquin Transmission on July 18, 1975, in Docket No. CP75-374.

It is stated further that on November 10, 1975, Applicant and Columbia Gas Transmission Corporation (Columbia) entered into an agreement pursuant to which Columbia agreed to receive up to 25,000 Mcf of vaporous natural gas per day and up to 462,500 Mcf of vaporous natural gas from Algonquin Transmission prior to March 31, 1976, at an existing interconnection in Rockland County, New York. On November 11, 1975, it is said, Providence Gas Company (Providence) agreed to accept vaporous natural gas for Applicant from Algonquin LNG for credit to Applicant's account prior to March 31, 1976.

The application states that because of changes in supply and demand beyond the control of Applicant, Applicant on February 6, 1976, requested Providence to postpone acceptance of vaporous natural gas for Applicant from Algonquin LNG until the period April 1, 1976, through April 30, 1976, and that Providence agreed to accept such deliveries during the latter period on a best-efforts basis. The application states further that on February 6, 1976, a similar request was made of Algonquin LNG, Algonquin Transmission, and Columbia and they agreed. On February 10, 1976, Applicant and Columbia are said to have agreed that Columbia would accept delivery of vaporous natural gas from Algonquin Transmission from April 1, 1976, through April 30, 1976.

Applicant states that it is its opinion that since the Commission granted the temporary certificate to Algonquin LNG and Algonquin Transmission on July 18, 1976, to store LNG and to deliver vaporous natural gas, since all agreements among Algonquin LNG, Algonquin Transmission, and Applicant have been filed with the Commission, since Columbia would provide transportation service as proposed in Docket No. CP76-293, and since Applicant is not transporting or selling gas in interstate commerce, no certificate under Section 7(c) of the Natural Gas Act is required of Applicant. Accordingly, Applicant requests that the Commission disclaim jurisdiction over the transaction insofar as Applicant is concerned. In the alternative, in the event the Commission determines that it cannot disclaim jurisdiction. Applicant requests a certificate of public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10059 Filed 4-7-76;8:45 am]

[Docket No. E-9492]

UTAH POWER & LIGHT CO.

Filing of Data

MARCH 31, 1976.

Take notice that on March 18, 1976 Utah Power & Light Company (Utah) tendered for filing certain data which Utah states is in conformance with a letter from the Secretary dated July 8, 1975 in the above-referenced proceeding.

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, N.E., 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 April 23, 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.76-10047 Filed 4-7-76;8:45 am]

[Docket No. ER76-570]

VERMONT ELECTRIC POWER CO.

Rate Schedule Filing

MARCH 31, 1976.

Take notice that on March 22, 1976, Vermont Electric Power Company (VELCO) tendered for filing a rate schedule containing a bulk power transmission contract between VELCO and the Village of Lyndonville Electric Department, dated December 31, 1975.

VELCO states that the service to be rendered under this Rate Schedule is the provision of VELCO's transmission facilities to Lyndonville for the transmission of bulk power purchased by Lyndonville other than from the State of Vermont or VELCO from points of interconnection of VELCO's facilities with the transmission facilities of other companies. At present, the only identified and specific quantity of power which VELCO will be transmitting for Lyndonville under this Rate Schedule is 2,900 KW of Lyndonville's purchase of capacity and energy from a gas turbine generating unit of the City of Burlington Electric Department for a two-month period commencing January 1, 1976, at an estimated monthly charge of $2,900.00.

VELCO requests a waiver of the 30-day filing requirement to permit an effective date of January 1, 1976 for this Rate Schedule. VELCO states that a waiver is necessary as a result of unavoidable delays in negotiations for the transmission service arrangements under this Schedule and due to time required for submission of the Contract to the Vermont Public Service Board for approval under the Power Transmission Contract. Approval was granted by the Public Service Board on February 4, 1976, according to VELCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10054 Filed 4-7-76;8:45 am]

[Docket No. ER76-108]

VIRGINIA ELECTRIC AND POWER CO.

Effective Date

MARCH 31, 1976.

On September 16, 1975 a Notice of letter Agreement was issued in the above-referenced docket concerning an agree-

ment between Virginia Electric and Power Company (VEPCO) and Greenville Utilities Commission (GUC) for the installation of specia' remote metering equipment and 115kV facilities. VEPCO has indicated by letter filed March 11, 1976 that the effective date of these facilities is January 31, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-10060 Filed 4-7-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST MARINE BANKS, INC.

Order Approving Acquisition of Banks

First Marine Banks, Inc., Riviera Beach, Florida ("Applicant"),[1] a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act [12 U.S.C. § 1842(a)(3)] to acquire not less than 50 per cent plus one share of the voting shares of three banks located in the State of Florida: First Marine Bank of Boca Raton, Boca Raton ("Boca Raton Bank");[2] First Marine National Bank, Palm Springs ("Palm Springs Bank");[3] and First Marine Bank of Palm Beach Gardens, Palm Beach Gardens ("Palm Beach Gardens Bank")[4] (collectively referred to herein as "Banks").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act [12 U.S.C. § 1842(c)].

Although each of the applications has been separately considered by the Board, because of the facts and circumstances common to each, this Order contains the Board's findings and conclusions of law with respect to all three applications.

Applicant, the twenty-first largest banking organization in Florida, directly owns more than twenty-five per cent of the outstanding shares of each of four banks[5] with total deposits of $210.4 million, representing almost 0.9 per cent of the total deposits in commercial banks in the State of Florida.[6] Applicant currently owns 17.8 per cent of the outstanding voting shares of Boca Raton Bank, 20.9 per cent of the outstanding voting shares of Palm Springs Bank, and 24.9 per cent of the outstanding voting shares of Palm Beach Gardens Bank. Acquisition of additional shares of Bank which hold aggregate deposits of $44.2 million, would not significantly increase Applicant's share of total deposits in commercial banks in Florida and would have no appreciable effect upon the concentration of banking resources in the State.

Boca Raton Bank, the fourth largest of six banks in the Boca Raton banking market,[7] holds deposits of approximately $10.3 million, representing 3.9 per cent of total market deposits. Palm Springs Bank and Palm Beach Gardens Bank Acquisition of additional shares of Banks, are, respectively, the eighteenth and twenty-fifth largest of 38 banks in the West Palm Beach banking market.[8] Palm Springs Bank holds deposits totalling approximately $22.9 million, representing 1.8 per cent of market deposits; and Palm Beach Gardens Bank holds deposits of $11.1 million, representing approximately 0.9 per cent of market deposits. Other than by its investment in Boca Raton Bank, Applicant is not represented in the Boca Raton banking market. In the West Palm Beach banking market, however, Applicant is the largest banking organization, and, through its subsidiary banks, holds aggregate deposits[9] of approximately $209.5 million, representing 16.7 per cent of the total deposits in commercial banks in the market. However, it appears that consummation of the proposal would not eliminate existing competition, due to the close relationship that has existed between Applicant and Bank. Principals of Applicant were involved in the establishment of Banks; at present, and in addition to its minority interests in Banks, two directors of Applicant also serve as directors of Banks; and Banks share with Applicant similar management and operations policies and procedures. Furthermore, since Applicant's proposed acquisitions would merely formalize its existing close relationship with Banks, consummation would have no adverse effect on the development of competition in any market. Accordingly, on the basis of the record, the Board concludes that consummation of the proposed acquisitions would not have significant adverse effects on existing or potential competition in the relevant banking markets, and that competitive considerations are therefore consistent with approval of the applications.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries, and Banks are regarded as generally satisfactory and consistent with approval, particularly in view of Applicant's commitment to inject, within six months after consummation of the proposed transactions, $400,000, $750,000 and $300,000, respectively, into the capital accounts of Boca Raton Bank, Palm Springs Bank, and Palm Beach Gardens Bank.[10] Affiliation with Applicant would provide Banks with access to Applicant's financial and managerial resources. Thus, the considerations relating to convenience and needs of the residents of the communities to be served are consistent with approval of the proposal. It has been determined that the proposed acquisitions would be in the public interest and that these three applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or

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[1] Applicant was formerly named General Financial Systems, Inc. The change in corporate name occurred on March 1, 1976. Related to this change, effective March 15, 1976, are changes in the names of five banks in which Applicant has an ownership interest. These changes are denoted *infra*.

[2] Formerly, First Community Bank of Boca Raton, Boca Raton.

[3] Formerly, Congress National Bank, Palm Springs.

[4] Formerly, Tri-City Bank, Palm Beach Gardens.

[5] Applicant also directly owns interests ranging from 15.1 per cent to 24.9 per cent of the outstanding shares of each of six other banks in Florida, including Banks.

[6] All banking data are as of June 30, 1975 and reflect holding company formations and acquisitions approved through January 1, 1976.

[7] The Boca Raton banking market, in the lower quarter of Palm Beach County, is the relevant market for the Boca Raton Bank application and is delineated by 67th Street (Highland Beach area) on the north, the Florida Turnpike on the west, and the Hillsboro Canal and Palm Beach County line on the south.

[8] The West Palm Beach banking market, the relevant market for the Palm Springs Bank and Palm Beach Gardens Bank applications, is approximated by the upper two-thirds of Palm Beach County's eastern coastal area. Its commercial and trade centers include West Palm Beach, Palm Beach, Palm Beach Gardens, Riviera Beach, Boynton Beach, and Delray Beach.

[9] These figures exclude deposits held by Palm Springs Bank and Palm Beach Gardens Bank.

[10] By Order dated November 6, 1973 (59 *Federal Reserve Bulletin* 903), the Board approved Applicant's dual applications to acquire First Marine National Bank and Trust Co. of Lake Worth (then the First National Bank & Trust Co. of Lake Worth), Lake Worth, Florida ("Lake Worth Bank"), and First Marine National Bank and Trust Co., Jupiter/Tequesta (then the First National Bank & Trust Co., Jupiter/Tequesta), Tequesta, Florida ("Tequesta Bank"). In approving these acquisitions, the Board relied in part upon Applicant's commitment to make equity additions to the capital structures of Lake Worth Bank, Tequesta Bank and Applicant's lead bank, First Marine Bank & Trust Co., Riviera Beach, Flordida ("Riviera Bank"). At the present time, the commitment regarding Lake Worth Bank is still outstanding. In the applications presently before the Board, Applicant makes reference to these prior commitments and now commits itself to improve the equity capital of certain of its subsidiary banks. As described above, approximately $1.5 million will be added to the capital accounts of Banks within six months after consummation of the instant proposed acquisitions. Applicant now proposes to improve the capital position of Lake Worth Bank through earnings retention rather than through direct capital injections. Based upon the facts in the record, the Board concludes that Applicant has acted in good faith in meeting its previous capital commitments for its subsidiary banks and that sufficient improvement has occurred in the capital position of Lake Worth Bank to sanction Applicant's modified proposal to improve the capital of Lake Worth Bank.

by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 31, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10035 Filed 4-7-76;8:45 am]

HASTINGS STATE CO.

Formation of Bank Holding Company

MARCH 31, 1976.

Hastings State Company, Hastings, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company thorugh acquisition of 80 percent or more of the voting shares of Hastings State Bank, Hastings, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 29, 1976.

Board of Governors of the Federal Reserve System, March 31, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-10036 Filed 4-7-76;8:45 am]

GENERAL ACCOUNTING OFFICE

INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974

Guidelines for Implementation

These guidelines will be considered by the General Accounting Office in carrying out its responsibilities under section 5, Public Law 93-623, 88 Stat. 2104 (49 U.S.C. § 1517). Section 5 requires, in the absence of satisfactory proof of necessity, the disallowance of expenditures from appropriated funds for Government-financed commercial foreign air transportation performed by an air carrier not holding a certificate under section 401 of the Federal Aviation Act of 1958. These guidelines will require the executive departments, agencies, and instrumentalities of the United States (hereinafter referred to as "agency") to modify their current regulations concerning Government-financed commercial foreign air transportation to avoid disallowance of expenditures that previously would have been allowed.

1. Certificated air carriers (those holding certificates under section 401 of the Federal Aviation Act of 1958, 49 U.S.C. § 1371 (1970)) must be used for all Government-financed commercial foreign air transportation of persons or property if service provided by those carriers is "available."

2. Generally, passenger or freight service by a certificated air carrier is "available" if the carrier can perform the commercial foreign air transportation needed by the agency and if the service will accomplish the agency's mission. Expenditures for service furnished by a noncertificated air carrier generally will be allowed only when service by a certificated air carrier or carriers was "unavailable."

3. Passenger or freight service by a certificated air carrier is considered "available" even though:

(a) Comparable or a different kind of service by a noncertificated air carrier costs less, or

(b) Service by a noncertificated air carrier can be paid for in excess foreign currency, or

(c) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation, or

(d) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

4. Passenger service by a certificated air carrier will be considered to be "unavailable":

(a) When the traveler, while en route, has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(b) When any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6-hour period, or

(c) When by itself or in conbination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the origin airport to the destination airport to accomplish the agency's mission than would service by a noncertificated air carrier or carriers.

(d) When the elapsed traveltime on a scheduled flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice such scheduled traveltime.

5. The Comptroller General will disallow any expenditures for commercial foreign air transportation on noncertificated air carriers unless there is attached to the appropriate voucher a certificate or memorandum adequately explaining why service by certificated air carriers is "unavailable."

6. Although international air freight forwarders as defined in 14 CFR §§ 297.1(c) and 297.2 (1975) engaged in foreign air transportation [49 U.S.C. § 1301 (21) (c) (1970)] may be used for Government-financed movements of property, the rule stated in guideline 5 applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

7. In order that bills submitted by international air freight forwarders engaged in foreign air transportation may be paid upon presentation, such carriers are directed to submit with their bills a copy of the airwaybill or manifest showing the underlying air carriers utilized with such justification certificates or memoranda as they may have for the use of underlying noncertificated air carriers.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.76-10172 Filed 4-7-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Holland, Wallich, Coldwell, Jackson, and Partee.

GENERAL SERVICES ADMINISTRATION

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION F-380

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an intrastate telephone rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481 (a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission involving the application of the Chesapeake and Potomac Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

T. M. CHAMBERS,
Acting Administrator of General Services.

APRIL 2, 1976.

[FR Doc.76-10126 Filed 4-7-76;8:45 am]

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION F-381

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of

1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission (Cause No. U-76-1), in a proceeding involving the application of the Puget Sound Power and Light Company for increases in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

April 2, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-10127 Filed 4-7-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-4]

EXPANDED, UNSINTERED POLYTETRAFLUOROETHYLENE IN TAPE FORM

Commission Determination

This matter has come for Commission determination under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337; 88 Stat. 2053; hereinafter, section 337). Pursuant to the Notice and Order of February 13, 1976, in this matter, the Commission has undertaken plenary consideration of this matter and has reached the following determination: [1]

That there is no violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) in respect of imported articles made in accordance with the claims of U.S. Letters Patent No. 3,664,915.

[1] Two separate opinions are being filed and served upon the parties simultaneously with this Notice and Order. These contain the detailed findings and conclusions of the Commissioners. Commissioners Leonard, Minchew, and Ablondi have found that no violation has occurred because the patent which is the basis of this complainant's complaint is unenforceable for purposes of section 337. Having found the patent unenforceable, and that, therefore, there is no unfair act or method, these Commissioners make no findings or conclusions with respect to the other elements of section 337. Commissioners Bedell, Moore, and Parker find and conclude the patent is enforceable, but that the infringement of this patent has not had the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States. Copies of these opinions are available 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.

Accordingly, it is ordered that:

1. This investigation is hereby terminated.

2. Copies of this Notice and Order will be served upon each party of record in this matter and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, and the Federal Trade Commission.

By order of the Commission.

Issued: April 3, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-10025 Filed 4-7-76;8:45 am]

[Investigation 337-TA-22]

RECLOSABLE PLASTIC BAGS

Prehearing Conference

On March 4, 1976, it was tentatively agreed by the parties present at the Preliminary Conference that a Prehearing Conference would be held on April 20, 1976 (Paragraph 4 of the Preliminary Conference Report, issued March 5, 1976).

Notice is hereby given that a Prehearing Conference will be held at 10:00 a.m. on April 20, 1976, in the offices of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C.

On or before April 15, 1976, each participant should serve any of the following documents on the Administrative Law Judge and all known parties:

1. Motions pertaining to the scope of the proceeding.

2. A statement of issues and sub-issues in this proceeding.

3. A statement of the participant's position on each of the proposed issues.

4. A statement describing the evidence each participant proposes to present at the Hearing, relating such evidence to each of the issues and sub-issues.

5. Requests for information.

6. Proposed stipulations.

7. A proposed agenda for the Prehearing Conference.

Issued April 2, 1976.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

[SEAL] JUDGE MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.76-10026 Filed 4-7-76;8:45 am]

[337-TA-2]

CONVERTIBLE GAME TABLES AND COMPONENTS THEREOF

Determinations, Findings, and Order

Based upon the record [1] in the above-entitled proceeding, including all submissions by parties and interested persons, the United States International Trade Commission (Commissioner Parker dissenting in part) under the authority of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), and the Administrative Procedure Act, 5 U.S.C. 551 et seq., issues the following findings and determinations.

1. That there are violations of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), in unfair methods of competition and unfair acts in the unlicensed importation and sale of convertible game tables (whether imported assembled or not assembled) by reason of their being made in accordance with nearly all of the claims of U.S. Patent No. 3,711,099, or in the importation and sale of the table top(s) therefor (unless either table top (if imported separately) is for sale or for use other than the combination purposes covered by said patent, and the importer so certifies).

Commissioner Parker dissents in part and finds no unfair methods of competition and unfair acts in the separate importation and sale of the table top(s), on the gfound that these table tops, when considered separately, are not covered by the patent and are staple articles in commerce suitable for a substantial noninfringing use within the meaning of sec. 271(c) of title 35 of the United States Code (35 U.S.C. 271(c)).

2. That there are no violations of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), in the alleged infringement of U.S. Patent No. D223,539, the alleged unauthorized use of the trademark "Trio," the alleged failure to mark with country of origin, the alleged false representation of sponsorship, and the alleged palming off.

3. That there is insufficient evidence in the record since December of 1974 to determine whether the establishment by Armac Enterprises, Inc., and/or its subsidiary, Rozel Industries, Inc., of a false regular price (i.e., not the price at which substantial sales of these tables were made to the public on a regular basis for a reasonable period of time in the recent, normal course of business) for the advertising of the subject convertible game tables has the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

4. That, after having considered the effect of a permanent order of exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, the Commission does not find that the articles in question should not be excluded from entry.

Accordingly, the Commission hereby orders:

1. the exclusion from entry into the United States of convertible game tables (whether imported assembled or not assembled) made in accordance with the claim(s) of U.S. Patent No. 3,711,099, or the table top(s) therefor, until expiration of the patent, except where (1) the importation is under license of the owner of U.S. Patent No. 3,711,099 or (2) in the case of the table top(s), either table top

[1] Copies of the opinions and statements of Chairman Leonard, Commissioners Moore, Bedell, and Ablondi are found in Commission publication 705, *Convertible Game Tables and Components Thereof* (December 1974). Vice Chairman Minchew, having familiarized himself with the record in this proceeding, has adopted the statement of the Commission majority in said publication.

(if imported separately) is for sale or for use other than the combination purposes covered by the patent, and the importer so certifies, and

2. that, for the sixty (60) day period that the Commission's determinations, findings and order are before the President, the amount of bond be the same as that established by the Secretary of the Treasury pursuant to the temporary order of exclusion issued by the President on May 2, 1974, under the provisions of section 337 of the Tariff Act of 1930 prior to its amendment by section 341 of the Trade Act of 1974.

By order of the Commission.

Issued: April 2, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-10027 Filed 4-7-76;8:45 am]

[Investigation No. 337-TA-5]

CHAIN DOOR LOCKS

Notice and Order Concerning Commission Determination

This matter has come for Commission determination under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337; 88 Stat. 2053; hereinafter, section 337). Pursuant to the Notice and Order of February 13, 1976, in this matter, the Commission has undertaken plenary consideration of this matter and, based upon the record of this investigation, has found and concluded (Commissioners Parker and Ablondi dissenting in part) as follows:[1]

1. That there are violations of section 337 in the importation into the United States of chain door locks by reason of their having been made in accordance with the claims of U.S. Patent No. 3,161,035 to J. Adamec *et al.*, U.S. Patent No. 3,275,364 to B. A. Quinn, and U.S. Patent No. 3,395,556 to R. W. Waldo, hereinafter referred to as "the Adamec Patent," "the Quinn Patent," and "the Waldo Patent," respectively, and in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States. Commissioner Parker finds that there is no violation of section 337 in respect to the Adamec Patent but finds violation with respect to the Quinn and Waldo Patents.

2. That the appropriate remedy for these violations and each of them is to direct that the articles concerned, chain door locks made in accordance with one or more of the claims of the Adamec, Quinn, and Waldo Patents, be excluded from entry into the United States for the term of these respective patents; and that, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers, such articles should be excluded from entry. Commissioner Parker concurs in this remedy with respect to the Quinn and Waldo Patents and dissents with respect to the Adamec Patent. Commissioner Ablondi concurs in the remedy prescribed with respect to the Quinn and Waldo Patents, but he would issue a cease and desist order with respect to imports infringing only the Adamec Patent, to permit respondent Ilco Corporation to cease and desist its unfair trade practices.

3. That the bond provided for in subsection 337(g)(3) is determined by the Commission to be as prescribed by the Secretary of the Treasury in the amount of 50 percent of the value of the articles concerned, f.o.b. foreign port.

Accordingly, it is ordered that:

1. Articles made in accordance with any claim or combination of claims of United States Letters Patent No. 3,161,035 to J. Adamec *et al.*, imported by any person, shall hereafter until the expiration of such Letters Patent be excluded from entry into the United States except (1) as provided in paragraph 4 of this Order or (2) as such importation is under license of the lawful owner or assignee of ownership of the said Letters Patent.

2. Articles made in accordance with any claim or combination of claims of United States Letters Patent No. 3,275,364 to B. A. Quinn, imported by any person, shall hereafter until the expiration of such Letters Patent be excluded from entry into the United States except (1) as provided in paragraph 4 of this Order or (2) as such importation is under license of the lawful owner or assignee of ownership of the said Letters Patent.

3. Articles made in accordance with any claim or combination of claims of United States Letters Patent No. 3,395,556 to R. W. Waldo, imported by any person, shall hereafter until the expiration of such Letters Patent be excluded from entry into the United States except (1) as provided in paragraph 4 of this Order or (2) as such importation is under license of the lawful owner or assignee of ownership of the said Letters Patent.

4. Notwithstanding the foregoing, from the day after the day this Order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President approves or disapproves this Commission action (but in any event, no later than sixty (60) days after such day of receipt), the articles concerned shall be entitled to entry under bond in the amount of fifty per centum (50%) of the value, f.o.b. foreign port, of the articles concerned.

5. This Order will be published in the FEDERAL REGISTER and served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, and the Federal Trade Commission.

By order of the Commission:

Issued: April 3, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-10028 Filed 4-7-76;8:45 am]

[337-TA-10]

CERTAIN ULTRA-MICROTOME FREEZING ATTACHMENTS

Notice and Order Concerning Commission Action Terminating Investigation

Upon receipt of a complaint, as supplemented, filed by American Optical Corporation of Southbridge, Mass. (hereinafter "AO"), the United States Tariff Commission (now the United States International Trade Commission; hereinafter "Commission") initiated a preliminary inquiry on August 14, 1974 (notice published on Aug. 19, 1974 (39 F.R. 29975)), into whether, within the meaning of section 337, Tariff Act of 1930, as amended prior to the passage of the Trade Act of 1974, there existed unfair methods of competition or unfair acts in the importation or domestic sale or ultramicrotome freezing attachments covered by U.S. Letters Patent 3,495,490. LKB Produkter AB, Ltd., of Stockholm, Bromma, Sweden, and LKB Instruments, Inc., of Rockville, Md., were named as either importing or offering for sale the subject product in the United States.

By notice published in the *Federal Register* on June 4, 1975 (40 F.R. 24076), the Commission provided that further proceedings in this matter would be conducted as an investigation under section 337 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (88 Stat. 2053), and would be assigned docket No. 337-TA-10.

Pursuant to a notice published in the *Federal Register* on December 19, 1975 (40 F.R. 58899), a public hearing was held by the Commission on January 9, 1976, for the purpose of allowing complainant AO to show cause why the investigation should not be terminated. The Commission has received no comments concerning this investigation other than from the parties appearing therein.

Under consideration of all submissions of interested parties and the hearing for complainant to show cause why the investigation should not be terminated.

The Commission hereby orders the termination of Investigation 337-TA-10, Certain Ultra-Microtome Freezing Attachments, based upon a finding that no violation of section 337 exists. The Commission determines that there is no good and sufifficient reason to continue the above-captioned investigation because there is no definable producing industry in existence nor is there an industry, within the purview of the statute, prevented from being established. This determination renders moot all pending motions in this proceeding.

Copies of the Commission memorandum opinion in support of the Commission action are available to the public during official working hours at the Office

[1] Copies of the Commission Opinion in support of the Commission action and Commissioner Parker's separate Opinion are available 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.

of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission.

Issued: April 2, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-10029 Filed 4-7-76;8:45 am]

[337-TA-7]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Notice and Order Terminating and Determining No Violation

Pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), the United States International Trade Commission determines that no unfair methods of competition or unfair acts in the importation or domestic sale of certain electronic audio and related equipment have been found to exist within the meaning of 19 U.S.C. 1337, and accordingly, that no violation exists.

Therefore, the United States International Trade Commission hereby orders the termination of Investigation No. 337-TA-7, Certain Electronic Audio and Related Equipment.

Copies of the Commission's Determination, Findings and Order are available 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.

By order of the Commission.

Issued: April 2, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-10030 Filed 4-7-76;8:45 am]

[603-TA-1]

TELEVISION RECEIVERS FROM JAPAN

Preliminary Investigation

Notice is hereby given that the United States International Trade Commission, pursuant to the provisions of section 603 of the Trade Act of 1974 (19 U.S.C. § 2482), on March 26, 1976, ordered a preliminary investigation to determine whether to institute an investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), with respect to the importation of television receivers into the United States, or their sale, in which there may exist unfair methods of competition and unfair acts including, but not limited to, the following:

(1) A combination or conspiracy to restrain trade and commerce in the United States.

(2) A conspiracy to monopolize or attempt to monopolize trade and commerce in the United States.

(3) A combination, conspiracy, trust, or contract in restraint of the import trade and commerce of the United States.

(4) A systematic effort to import or sell television receivers in the United States at prices substantially less than the actual market value or wholesale prices in Japan or in other foreign countries to which Japan commonly exports, with the intent of destroying or injuring an industry in the United States.

(5) A systematic effort to import or sell television receivers in the United States at prices substantially less than the actual market value or wholesale prices in Japan or in other foreign countries to which Japan commonly exports, with the intent of restraining or monopolizing any part of the trade and commerce in the United States.

(6) A concerted scheme to fix and maintain artificial prices of electronic products in Japan.

(7) A concerted scheme to fix and maintain artificial prices of television receivers in the United States.

(8) A discrimination in prices of television receivers between different purchasers having the effect to substantially lessen competition or to tend to create a monopoly in the United States.

(9) A discrimination against U.S. producers and distributors of television receivers by underselling, selling at an unreasonably low price, rebating, or discounting, for the purpose of destroying competition or eliminating competition in any part of the United States.

(10) A systematic effort to form joint ventures and acquire direct or indirect control of U.S. companies, having the effect to substantially lessen competition, or to tend to create a monopoly, with respect to television receivers.

(11) A systematic effort to sell television receivers at less than fair value in the United States.

(12) A systematic effort to circumvent the assessment of dumping duties on television receivers by the establishment and utilization of fictitious accounting techniques and practices.

(13) A systematic effort to sell television receivers below cost of production.

(14) A systematic effort to pay into, accept, and participate in the distribution or bestowal of bounties or grants including the acceptance of the benefits of the commodity rebate tax.

By order of the Commission:

Issued: April 2, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-10031 Filed 4-7-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

MEETING

APRIL 2, 1976.

The National Advisory Council on Economic Opportunity, authorized by Section 605 of the Community Services Act of 1974, will hold a two-day Council meeting at its offices at 1725 K Street, N.W. (Room 405), Washington, D.C. 20006. The meetings will begin at 9:30 A.M. on Monday, May 3, 1976 and Tuesday, May 4, 1976 and are open to the public.

The purpose of the meeting will be to swear in the twenty-one members appointed by the President on March 16th, organize for the coming year's activities and provide basic orientation to the members.

We are printing the above information in the FEDERAL REGISTER as required by Section 9 of the Federal Advisory Committee Act of 1972.

Sincerely,

FERNANDO PENABAZ,
Chairman.
WALTER B. QUETSCH,
Acting Director.

[FR Doc.76-10135 Filed 4-7-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FELLOWSHIP GRANTS FOR COMPOSERS & LIBRETTISTS

Music Program Guidelines; Fiscal Year 1977

The following are guidelines for Fellowship Grants to Composers and Librettists made under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for these grant applications is 1 November, 1976. Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Mail Stop 553, Washington, D.C. 20506 (202) 634-6390, for further information and application forms. Only the Music Program may distribute application forms.

Signed at Washington, D.C. on 31 March 1976.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Music Program is one of twelve major Program areas. This booklet contains application guidelines and forms for its Composers/Librettists grants. The Music Program also offers assistance to symphony orchestras; opera companies; national organizations concerned with artist/audience development; jazz, folk, and ethnic musicians and projects; contemporary music ensembles and projects; national music service organizations; independent professional colleges of music; and a limited number of professional choral groups. Information about these and the other areas of assistance are contained in Endowment's Guide to Programs which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506.

Notification

In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, conrgessional oversight and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibilty for a grant or the amount which should be awarded.

Fellowship Grants to Composers/Librettists

In fiscal 1977 the National Endowment for the Arts plans to award grants to assist composers and librettists.

GENERAL PURPOSE

The purpose of this program in support of individuals is to encourage:

(1) The creation of new compositions or the completion of works in progress;

(2) The creation of new librettos or the completion of librettos in progress;

(3) The professional development of the composer or librettist.

DEADLINE

Applications must be postmarked no later than November 1, 1976. The proposed period of grant support should not begin prior to July 1, 1977 and may extend through June 30, 1978.

Applications postmarked later than November 1, 1976 will not be considered under this program and will be returned. Failure to submit all materials by this date may result in the return of the application to the sender.

One set of applications may be found on page 9. Additional applications may be obtained by writing to the Music Program, National Endowment for the Arts, Washington, D.C. 20506, and requesting Individual Grant Application Forms, NEA–2 (Rev.), for the Composer/Librettist Program.

Categories of Support

CATEGORY I

Non-matching fellowship-grants of up to $10,000 to composers of exceptional talent for the creation of new works or the completion of works in progress. Funds are intended to support the individual's time, copying and reproduction costs, studio expenses while working at an established electronic music facility, and other services necessary to complete the work(s).

CATEGORY II

Non-matching fellowship-grants of up to $7,500 to librettists of exceptional talent for the creation of new works or the completion of works in progress. Applicants must show evidence of expertise in the opera/lyric theater styles. Funds are intended to support the individual's time, copying and reproduction costs, or other services necessary to complete the work(s).

CATEGORY III

Non-matching fellowship-grants of up to $2,500 to aid the professional development of the composer or librettist of exceptional talent.

Assistance will be considered for: (1) Copying and reproduction costs of scores and parts of completed works;

(2) Expenses necessary to provide time for research and limited expenses for the purchase of other composers' scores or librettos in order that the aspiring composer or librettist may have continuing rapport with the field, be knowledgeable concerning new technological developments, and be in a position to study and explore the current trends,

(3) Expenses necessary to prepare demonstration tape recordings or excerpts of works for the purpose of providing samples for the review of performers, publishers, or recording firms;

(4) Transportation costs and lodging expenses required to discuss work(s) with conductors, artistic directors, and publishing and/or recording representatives.

COLLABORATIVE PROJECTS

In the event that a composer and a librettist wish to collaborate on a project, each may submit a separate application under Categories I and II respectively. This program also encourages collaborations between composers and other creative artists. As an example, interested choreographers and dance companies requiring assistance in a collaborative project should contact the Dance Program (Mail Stop 555), National Endowment for the Arts, Washington, D.C. 20506, for guidelines and application forms.

NOTE: The Arts Endowment encourages orchestras and opera companies which it assists to present American works, especially those by contemporary composers. The National Council on the Arts and the Music Advisory Panel feel that performance of contemporary works is a logical and important corollary to support of composers and librettists.

Orchestras and opera companies may apply for support for commissioning and performance including multiple performances by several groups as part of their application for assistance under existing Orchestra and Opera guidelines. The Music Advisory Panel has recommended that applications proposing multiple performances of commissioned works be given priority in consideration for funding.

Application Information

ELIGIBILITY

By statute, the National Endowment for the Arts limits its fellowship programs to the awarding of grants to individuals of exceptional talent. Eligibility is further limited to individuals who can give evidence of the successful completion of the necessary foundations in training.

Ordinarily individual grants are made only to United States citizens. Under special circumstances which must be shown by the applicant, an individual award may be made to an applicant who is not a citizen but who has been lawfully admitted to the United States for permanent residence.

The Endownment funds a separate program to benefit jazz composers. These composers may request the Jazz/Folk/Ethnic Program Guidelines from the Music Program, National Endowment for the Arts, Washington, D.C. 20506.

PROGRAM LIMITATIONS

(1) This program funds the individual composer or librettist and does not fund production costs or fees of other persons associated with production elements such as lighting design, choreography,[1] costuming, scenic design or non-musical graphic representation.

(2) This program does not support direct costs of publication or recording for commercial release.

(3) Support is not intended for the development or completion of Master's degree theses or doctoral dissertations.

(4) The Music Program of the Endowment does not fund creative endeavor associated with the fields of music generally known as "rock" and "popular."

(5) Generally, fellowship-grants under this program will not be awarded to the same individual in consecutive years.

(6) Generally, fellowship-grants will not be awarded for the completion of works which have previously received support from the Endowment or any other organization.

(7) Applicants may submit one application in one category only, except as noted on page 2.

APPLICATION PROCESSING

If an application is incomplete and/or if all additional required materials have not been submitted by the deadline, the application may be rejected due to insufficient information for review. The Endownment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

The application will be returned to the applicant if the proposed project does not fall within the scope of these guidelines. If, however, a valid application has been submitted in the wrong category, the Endowment may change that application to the correct category and will notify the applicant of such action.

APPLICATION REVIEW

All applications are judged on the quality of the works submitted for review. At no time does the length or medium of the proposed project become a determining factor in the deliberations of the reviewing bodies. After an application with all necessary information has been received, the file will be reviewed as follows:

The Endowment Music Staff, the Composer/Librettist Advisory Panel, and the National Council on the Arts successively review the application. (Projects in conjunction with a choreographer or dance company will be reviewed by both the Music and Dance Advisory Panels.)

Notices of approval or rejection are sent as the Chairman authorizes, but not before April 15, 1977.

Because of the limited funds available and the anticipated number of applications, generally fellowship-grants will be awarded in amounts less than the stated maximums within each category of support.

FINAL REPORTS

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Complete instructions on final reporting will accompany the fellowship-grant letter. All grantees will be required to submit the following:

A narrative report describing what was accomplished during the grant period.

A copy of the score completed as a result of the grant.

A tape of the work, if possible.

Performance, publication, and recording plans for the completed work.

TAXABILITY OF FELLOWSHIP-GRANTS

The Internal Revenue Code regulations provide that certain fellowships to individuals who are not candidates for degrees are

[1] Choreographers are advised to consult Dance Program guidelines.

deductible, but only up to a certain amount and for a limited period of time.

A pamphlet entitled Tax Information for American Scholars in the U.S. and Abroad will be supplied on request. Generally, this booklet is available at any Internal Revenue Service office. The booklet might be helpful in preparing an application for a proposed fellowship.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue office.

APPLICATION SUBMISSION INSTRUCTIONS

APPLICATION FORM INSTRUCTIONS

The original typewritten application form, Individual Grant Application NEA–2 (Rev.) and two copies with all accompanying material, should be submitted to the Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, D.C. 20506.

While the entire form must be completed, we ask that particular attention be paid to the following information requested on the application.

(1) Applicants should indicate clearly on the application form the category under which support is requested.

(2) Period for Which Support Is Requested. Should be the time span during which activity will occur. The Endowment generally does not provide funds for activities that have occurred in the past.

(3) Description of Proposed Activity. All essential elements of the proposal must be included in a concise project description in the space provided on the first page of the application. Please provide.

(a) Description of the work(s) or project(s) to be composed or completed.

(b) For Categories I and II:

Specific medium involved.

Duration.

Performing forces required (size).

(c) For Category II:

The name of the composer involved.

Information concerning previous successful use of the applicant's librettos.

A synopsis of the work involved.

Evidence that rights to adapt the literary work have been obtained.

If possible, a short sample of the libretto for which support is requested. A sample of the libretto set to music should be helpful.

(d) For Collaborative Projects:

Each applicant should submit a separate application and should enclose a letter of intent from the other applicant with regard to collaboration. Applications directed toward the same project will be screened jointly and considered as a single project. While applicants generally may not submit more than one application to this program, it is permissible for members of a collaborative team to apply individually for independent projects.

(e) Please indicate if an advance arrangement has been made with a publisher for the proposed work.

If additional space is needed, no more than one (8½" x 11") page may be attached to each of the application forms.

(4) Amount Requested From the Endowment. No request exceeding the stated maximum within each category will be considered. Detailed information on cost of equipment needed to carry out the project should be shown as "materials."

(5) Career Summary or Background. This should be related to the activity for which support is requested.

Important: If you have applied or expect to apply elsewhere for fellowships or other support for this same period and/or a similar purpose, state the facts regarding such other application(s) in an attachment to your application to the Arts of Endowment.

MATERIALS TO BE SUBMITTED WITH THE APPLICATION

The applicant must submit the following information and materials with the application forms to the Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, D.C. 20506.

(1) Reviews of previous performances, indicating sources and dates of reviews. Such reviews are requested to validate public performances and specific context of the performance. If reviews are not available, the applicant should state so. Please send only one copy of each review.

(2) Letter indicating collaborative effort. Each applicant applying for aid for collaborative projects should request a letter from the collaborating partner to indicate interest in the proposed collaboration. Such letter should be submitted whether or not the other member(s) of the team has applied for assistance.

(3) One score or libretto and one tape or disc, preferably of the same material. The sample of previous work should be indicative of the applicant's ability to comprehend the medium and to work successfully in the idiom as presented in the application. If the intended project is to continue a work in progress, the completed portion should be submitted for review.

Each sample must be labelled with the applicant's name, the date of composition, the title of the work, and, with recordings, the name(s) of the performer(s) or ensemble.

Requirements for submission of tapes: One tape, in a tape box, 7" reel, 7½ speed, reel-to-reel quarter track, leader between compositions if there is more than one composition, ready to be played on reel, heads out. No cassettes or cartridges.

Applicants are asked to retain copies of all recordings, librettos, and musical scores as the Endowment cannot accept responsibility for loss of materials.

(4) Assurance of Compliance Form. If payment for services will be made to any person other than the grantee, the applicant is required to file with the Grants Office an Assurance of Compliance with the National Foundation on the Arts and the Humanities Regulations Under Title VI of the Civil Rights Act of 1964. The form on page 15 may be removed for this purpose. Please mail completed form to: Grants Office, National Endowment for the Arts, Washington, D.C. 20506. (If the applicant has filed an Assurance of Compliance with the Arts Endowment within the last five years, it is not necessary to complete the Assurance at this time.)

REQUIRED STATEMENTS TO BE SUBMITTED SEPARATELY

The following statements must be submitted by the writer to the Composer/Librettist Specialist, Music Program (Mail Stop 553), National Endowment for the Arts, Washington, D.C. 20506. Such statements will remain in the Endowment's files and are confidential.

(1) Supporting statements from two recognized authorities in the field directed toward works of recent date. These are requested to affirm the applicant's professional standing as evidenced by other professionals in the field.

(2) Written evidence of interest. A statement of interest is requested to show that funded projects will be publicly performed or published. At the least, the document submitted should state that the completed project will be examined with performance in mind.

For Categories I and II—Written evidence of performance interest should be submitted from a performer, producer, conductor, director or other person charged with production responsibilities.

For Category III—Written evidence of interest should be submitted from a proposed consultant, e.g. an authority in the field, a publication and/or recording representative. If the project is research, the applicant should prepare a statement indicating where the research is to be conducted, its purpose, specific subject matter, and whether the research is independent or with a designated authority.

OTHER ENDOWMENT PROGRAMS OF INTEREST

JAZZ/FOLK/ETHNIC FELLOWSHIP-GRANTS

The Endowment funds a separate program to benefit jazz composers. These composers may request the Jazz/Folk/Ethnic Program Guidelines from the Music Program, National Endowment for the Arts, Washington, D.C. 20506.

VISUAL ARTS IN THE PERFORMING ARTS

The Endowment's Visual Arts Program offers a program of assistance to professional performing groups that wish to encourage the participation of outstanding artists who are not professional stage or costume designers in three areas:

Design of costumes;

Design of sets;

Design of posters which advertise single productions or a season's offerings and have limited signed editions.

Application deadline for projects beginning after July, 1977, is January 1, 1977. Opera companies may obtain application forms and appropriate guidelines from the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506.

PROGRAMMING IN THE ARTS

The Public Media Program of the Arts Endowment offers assistance to nonprofit organizations for production, research, and development designed to improve the quality of arts programming on film, television, and radio. Some of the grants made specifically in regard to programming on Public Television will be jointly funded by the Corporation for Public Broadcasting and the Endowment.

Application deadline for projects beginning after April 15, 1977, is September 15, 1976. Organizations may obtain application forms and appropriate guidelines from the Public Media Program, National Endowment for the Arts, Washington, D.C. 20506.

OTHER PROGRAMS

The Endowment has many other programs for which guidelines are available. A copy of Guide to Programs may be obtained from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506.

[FR Doc.76–10087 Filed 4–7–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

WORKSHOP ON GEOGRAPHICAL RESEARCH

Workshop

A workshop on Geographical Research will be held from 9:30 a.m. to 4:00 p.m. on Friday, May 14, 1976, in Room 321 at the National Science Foundation, 1800 G Street, NW., Washington, D.C.

The purpose of this workshop is to provide a forum for the exchange of information on geographical research be-

tween the scientific community and the National Science Foundation. Emphasis will be on the previous and current NSF programs in the field of geography.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92–463), this workshop is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and observation.

The agenda for this workshop will be a discussion of current and future trends in geographical research and the role of the National Science Foundation in assisting work in the discipline.

Members of the public are invited to attend this meeting. Public participation will include oral comments with permission of the Workshop Coordinator. Persons wishing to attend this workshop should contact Dr. Howard H. Hines, Division Director, Social Sciences, Room 203, National Science Foundation, Washington, D.C., 20550, telephone 202/632–4286.

Dated: April 5, 1976.

HOWARD H. HINES,
Division Director, Social Sciences.

[FR Doc.76–10131 Filed 4–7–76;8:45 am]

SUBPANEL ON NATO FELLOWSHIPS

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on NATO Fellowships of the Advisory Panel for Science Education Projects.

Dates and Times: April 29, 1976—9:00 a.m. to 7:30 p.m., April 30, 1976—9:00 a.m. to 5:00 p.m.

Place: Rm. 650, 5225 Wisconsin Ave., NW., Washington, D.C.

Type of meeting: Closed.

Contact Person: Dr. Hall Taylor, Program Manager, Fellowships and Traineeships, Rm. W–476, National Science Foundation, Washington, D.C. 20550, tel: (202) 282–7154.

Purpose of Subpanel: To evaluate applications for NATO Fellowships.

Agenda: To review and evaluate specific fellowship applications as part of the selection process for awards.

Reason for Closing: The applications being reviewed include information of a proprietary of confidential nature, including technical information; transcript grades; and personal information concerning applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The advice rendered by the panel involves recommendations of the type protected by exemption (5) of 5 U.S.C. 552(b).

Authority to Close Meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Public Law 92–463.

Dated: April 5, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76–10132 Filed 4–7–76;8:45 am]

ADVISORY PANEL FOR METALLURGY AND MATERIALS

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metallurgy and Materials.

Date: April 29 and 30, 1976.

Time: 1:00 p.m. on 4/29, 9:00 a.m. on 4/30.

Place: RM. 543, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Open.

Contact Person: Dr. John C. Shyne, Chairman, Advisory Panel for Metallurgy and Materials, Rm. 412, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–7406. Anyone who plans to attend should notify Dr. Shyne prior to the meeting.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel & Mgmt., Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Panel: To provide advice and counsel to the Metallurgy and Materials Section.

AGENDA: APRIL 29

1:00 p.m.—Introductory Remarks, Chairman.

1:20 p.m.—Comments, Assistant Director, Mathematical and Physical Sciences, and Engineering.

1:45 p.m.—Progress report on Ceramic Research Survey: Dr. John B. Wachtman, Jr., Panel Member.

2:15 p.m.—Description of Materials Research Laboratory program: Dr. Roman J. Wasilewski, Head, Materials Research Laboratory Section.

2:45 p.m.—Coffee break.

3:00 p.m.—Analysis of the distribution of metallurgy and materials research funds: Dr. John C. Shyne, Head, Metallurgy and Materials Section; Dr. Charles A. Wert, Consultant to Division of Materials Research; and Dr. Ronald E. Kagarise, Director, Materials Research Division.

5:00 p.m.—Adjourn.

APRIL 30

9:00 a.m.—Analysis of the distribution of metallurgy and materials research funds (continued): Dr. John C. Shyne, Head, Metallurgy and Materials Section; Dr. Charles A. Wert, Consultant to Division of Materials Research; and Dr. Ronald E. Kagarise, Director, Materials Research Division.

10:45 a.m.—Coffee break.

11:00 a.m.—Review of polymer research: Dr. K. L. DeVries, Director, Polymers Program.

12:00 p.m.—Recess for lunch.

1:15 p.m.—Continuation of polymer

2:15 p.m.—General discussion, Chairman.

3:15 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 5, 1976.

[FR Doc.76–10133 Filed 4–7–76;8:45 am]

ALAN T. WATERMAN AWARD COMMITTEE

Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), I have hereby determined that the establishment of the Alan T. Waterman Award Committee is necessary, appropriate, and in the public interest in connection with performance of duties imposed upon the National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to § 9(a)(2) of the Federal Advisory Committee Act and OMB Circular A–63, Revised.

1. *Name:* Alan T. Waterman Award Committee.

2. *Purpose:* To provide advice and recommendations to the National Science Board and the Director, NSF in the selection of the Alan T. Waterman Award recipient.

3. *Establishment and duration:* The establishment of the Committee is effective upon filing the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the Foundation. The Committee's duration shall be two years from the effective date.

4. *Membership:* Membership of the Committee will be fairly balanced in terms of the points of view represented and the Committee's function. Membership will consist of 15 persons, three of whom will be ex officio. Twelve persons will be selected from recognized leaders in the various fields of science for their knowledge of current frontier research. Members will be chosen so as to insure a cross section of the major fields of science, geographical distribution, and representation among women and minorities. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Committee operation:* The Committee will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92–463), Foundation policy and procedures; OMB Circular A–63, Revised; and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB, has waived the 15-day requirement for publication of the notice of establishment in the FEDERAL REGISTER A meeting of the Committee is planned for late April, and a notice will be published in the FEDERAL REGISTER.

Dated: April 6, 1976.

H. GUYFORD STEVER,
Director.

[FR Doc.76–10396 Filed 4–7–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–15]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad/Highway Accident Report and Recommendations. In a report re-

leased April 1, 1976, Federal study of the effectiveness of probationary licensing of young drivers has been recommended by the National Trasnportation Safety Board. The report, No. NTSB-RHR-76-1, concerns a grade-crossing accident near Tracy, California, March 9, 1975. Three teenagers were killed after their auto struck the side of the leading car of a slow-moving Southern Pacific freight train at a crossing used irregular by trains. The Safety Board determined that the probable cause of this accident was the failure of the automobile driver to make a proper approach to a known, identified crossing and his failure to respond to the flagman's signals or to observe the train at, or on, the crossing until it was too late to avoid impact. The driver's failure to respond probably was caused by the influence of alcohol, according to the Safety Board.

As a result of the investigation of this accident, the Board also on April 1, issued two separate safety recommendation letters:

To the National Highway Traffic Safety Administration: (1) Determine and report the effectiveness of traffic information and control systems currenlty in use at railroad grade crossings, particularly their ability to warn and achieve an appropriate reaction from impaired drivers; (2) develop and report more effective systems and standards for conveying traffic information to impaired drivers and protecting persons controlling traffic at rail crossings, construction sites, and other temporary traffic control sites; (3) study the effectiveness of various systems for probationary licensing of the young driver, and devise guidelines for rapid inclusion in its Highway Safety Program Standard on Driver Licensing; and (4) begin promptly programs which emphasize youth-oriented alcohol safety-driver improvement programs. These programs should be directed not only toward the apprehended offender, but also toward the driver with a history of mildly errant behavior and a reasonable probability for combining drinking and driving, the Board stated. (Recommendations H-76-2 through 5, for Class II priority followup.)

To the National Committee on Uniform Traffic Laws and Ordinances, Washington, D.C.: Study the effectiveness of various probationary licenses already in effect for young drivers, devise model guidelines, and insure their early availability in its Uniform Vehicle Code. (Recommendation H-76-6, also for priority followup.)

Aviation Safety Recommendation Letters. The following recommendations were issued by the Safety Board last week to the Federal Aviation Administration:

A-76-31 through 44, issued April 1, concern the crash last June 24 of Eastern Air Lines Flight 66, a Boeing 727, during a precision instrument approach to the John F. Kennedy International Airport in New York. Board investigation of the accident disclosed that the aircraft developed a high descent rate as it passed through or below the base of a mature thunderstorm. As stated in the letter, since 1973 the Safety Board has submitted to FAA eight specific recommendations related to accidents involving approaches through conditions similar to those encountered by Flight 66. Copies of these recommendations and FAA's responses are attached to the April 1 letter. The recommendations concerned such areas as expansion of authority for air traffic controllers to deny approaches or takeoffs through thunderstorms, development of ATC radar with better severe weather detection capability, implementation of better systems to relay severe weather warnings to pilots, installation of VASI on all instrument runways, issuance of training material and improvements in training programs to stress the effect of wind shear on an airplane's flightpath control, and development of wind shear detection devices. The Board states that while FAA has agreed with many of these recommendations, and in some cases has acted to comply, in other cases action has not been taken. The Board believes that the continuing occurrence of approach accidents involving passage of an airplane through or below thunderstorms indicates that more positive and more immediate actions are necessary. Accordingly, the Safety Board recommends that FAA, in coordination with the National Oceanic and Atmospheric Administration, where appropriate (1) conduct a research program to define and classify the level of flight hazard of thunderstorms, using specific criteria for thunderstorm severity and magnitude of change of wind speed components measured as a function of distance along an airplane's departure or approach flight track, and establish operational limitations based upon these criteria.

(2) Expedite development and installation of equipment to facilitate detection and classification, by severity, of thunderstorms within 5 nmi of the departure or threshold ends of active runways at airports having precision instrument approaches; (3) install equipment to detect variations in speed of the longitudinal, lateral, and vertical components of the winds along projected takeoff and approach flightpaths within 1 nmi of the ends of active runways serving air carrier aircraft; (4) require inclusion of the wind shear penetration capability of an airplane as an operational limitation in the airplane's operations manual, and require pilots to apply this limitation as a criterion to initiate takeoff from, or approach to, an airport having equipment to measure thunderstorm severity or magnitude of change in wind velocity; (5) as an interim action, install equipment to measure and transmit to tower operators the speed and direction of the surface wind in the immediate vicinity of all runway ends and install lighted windsocks near to the side of the runway, approximately 1,000 feet from the ends, at airports serving air carrier operations; (6) develop and institute procedures whereby approach controllers, tower controllers, and pilots are provided timely information regarding the existence of thunderstorm activity near to departure or approach flightpaths; (7) revise air traffic control procedures to specify that the location and severity of thunderstorms be considered in the criteria for selecting active runways; (8) modify air traffic controller training programs to include information concerning the effect that winds produced by thunderstorms can have on an airplane's flightpath control; (9) modify initial and recurrent pilot training programs and tests to require that pilots show knowledge of low-level wind conditions associated with mature thunderstorms and the potential effects of these winds on an airplane's performance.

(10) Expedite the program to develop, in cooperation with appropriate Government agencies and industry, typical models of environmental winds associated with mature thunderstorms for demonstration in pilot training simulators; (11) emphasize the hazards of low-level flight through thunderstorms and the effects of wind shear encounter in the Accident Prevention Program to benefit general aviation pilots; (12) expedite research to develop equipment and procedures permitting a pilot to transition from instrument to visual references without degradation of vertical guidance during the final segment of an instrument approach; (13) expedite development of an airborne detection device to alert a pilot to the need for rapid corrective measures as an airplane encounters a wind shear condition; and (14) expedite a program leading to the production of accurate and timely forecasts of wind shear in the terminal area.

A-76-58, issued March 31, stems from review of several recent accidents and incidents related to air traffic control where the Safety Board determined that deficiencies in human performance were critical causal factors. Incidents cited in this letter included: an American Airlines Douglas DC-10 and a Trans World Airlines Lockheed L-1011 which almost collided head-on in midair near Carleton, Michigan, November 26, 1975; a United Air Lines Boeing 727 and a Trans World Airlines Boeing 727 which passed about 100 feet from one another when a radar controller failed to notice that one airplane was overtaking the other at the same altitude—60 miles northeast of Chicago, Illinois, December 5, 1975; a North Central Airlines Convair 580 and a Cessna 421 which nearly collided in midair near Jonesville, Wisconsin, December 5, 1975; and an Eastern Air Lines Boeing 727 and an Air National Guard F-101 which passed in midair within 100 feet of each other near Richmond, Virginia, December 12, 1975. The Safety Board recommends that the FAA conduct a comprehensive study of the human failure aspects of air traffic control system errors that have occurred since the introduction of terminal and en route automation and act to make the National Airspace System less vulnerable to the human failure element, by changing procedures, training, supervision, performance monitoring, and selection standards, or by providing increased re-

dundancy in the man-machine relationship.

A–76–59 through 64, issued April 1, were made following last month's public hearing into the Overseas National Airways accident of November 12, 1975, at the John F. Kennedy International Airport. A basic issue in this accident was the catastrophic disintegration of the No. 3 engine after a number of large birds were ingested into that engine. The Safety Board now concludes that the bird-ingestion test procedures of FAA Advisory Circular 33–1A, used for certification of the CF6, were inadequate. Accordingly, the Board recommends that FAA (1) require immediate retest of the General Electric CF6 engine to demonstrate its compliance with the complete bird ingestion criteria of AC 33–1A; (2) require that any engine modifications necessary to comply with the bird-ingestion criteria of AC 33–1A be incorporated into all newly manufactured CF6 engines and (3) into all CF6 engines in service; (4) until the CF6 engine is modified, require that a bird patrol sweep runways at all airports which have recognized bird problems and are served by CF6-powered aircraft—the sweep should be made before a runway is put into operation for CF6-powered aircraft and at sufficient intervals thereafter to assure that a bird hazard does not exist; (5) advise all operators, domestic and foreign, of CF6 engines of the catastrophic consequences of foreign object damage and need for caution to avoid such damage; and (6) amend 14 CFR 33.77 to increase the maximum number of birds in various size categories required to be ingested into turbine engines with large inlets; these increased numbers and sizes should be consistent with the birds ingested during service experience with these engines. Nos. 1, 4 and 5, above (recommendations A–76–59, 62, and 63), are labeled Class I, for urgent followup.

Letters in Response to Safety Board Recommendations. The following letters have ben received recently from the U.S. Coast Guard in response to earlier Safety Board recommendations:

Letter of March 24 re recommendation 71–M–7, issued December 22, 1970, as a result of investigation of the collision between the *SS Union Faith* and the *Warren J. Doucet* in the Mississippi River on April 6, 1969. The letter indicates that the lighting standards contained in the Convention on the International Regulations for Preventing Collisions at Sea, 1972, will become effective within 15 to 18 months. The Coast Guard states, "These standards contain greater minimum intensity requirements for lights than do those contained in our current rules. It is anticipated that application of these standards to vessels navigating on U.S. waters will follow their international use by 18 to 24 months."

Letter of March 24 re recommendations M–75–10 and 11, issued as a result of investigation into the explosion and fire on board the Tank Barge *Ocean 80* at Carteret, New Jersey, October 25, 1972 (40 FR 33287, August 7, 1975). Re M–75–10, the Coast Guard notes that regulations which will be designed to increase the ability of the Captain of the Port to enforce changes in firefighting equipment on terminals will be introduced in FY 1977. Re M–75–11, the Coast Guard notes that as a result of its investigations of oil pollution incidents, a Notice of Proposed Rulemaking to update 33 CFR 154–156 is currently being prepared and publication is expected this fiscal year.

Letter of March 9 concerns the Board report on the collision and fire involving the *SS C. V. Sea Witch* and the *SS Esso Brussels* in New York Harbor, June 2, 1973 (41 FR 10481, March 11, 1976). According to the Coast Guard, the report, containing recommendations M–76–1 through 10, has been disseminated to the Commandant's staff for study. Upon completion of the study or before June 2, 1976, comment will be made on these recommendations.

Accident reports and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 5, 1976.

[FR Doc.76–10134 Filed 4–7–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO., DONALD C. COOK NUCLEAR PLANT, UNIT 1

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR–58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company for operation of the Donald C. Cook Nuclear Plant, Unit 1, located in Berrien County, Michigan. This amendment is effective as of its date of issuance.

The amendment increases the authorized power at which the Donald C. Cook Nuclear Plant, Unit 1, may be operated to 2925 megawatts thermal (90 percent of rated power). It also authorizes completion of power startup testing at reactor core power levels up to and including 3250 megawatts thermal (100 percent of rated power). These authorizations are effective only until such time as the reactor is next refueled, at which time, unless the Commission has taken further licensing action with respect to authorized power level, the authorized power level will be 2632.5 megawatts thermal (±1 percent of rated power).

With this amendment, the Technical Specifications, Appendix A, have been revised to reflect the requirements resulting from reanalysis of emergency core cooling capability in accordance with Section 50.46 of 10 CFR Part 50 and to provide updated Technical Specifications equivalent in scope and content to those being issued in other licensing actions. The Technical Specifications, Appendix A, have been reissued in toto.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The basis for this licensing action is contained in NRC Safety Evaluation Report Supplement No. 5 on this subject issued in January 1976, and in the letter dated March 30, 1976, from the Office of Nuclear Reactor Regulation to the licensees.

The Commission is also considering issuance of an amendment to Facility Operating License DPR–58 that would increase the authorized reactor core power level at which the Donald C. Cook Nuclear Plant, Unit 1, may be operated to 3250 megawatts thermal (100 percent of rated power). Prior to such action, however, the Commission intends to publish an additional Supplement to the Safety Evaluation Report. This Supplement will address the matters discussed in the March 11, 1976 report to the Commission by the Advisory Committee on Reactor Safeguards (the Committee). The Committee's report presented the results of the Committee's review of the proposed increase in full term authorized power level for the Donald C. Cook Nuclear Plant, Unit 1, to 100 percent of rated power.

For further details with respect to these actions, see (1) the applications

for amendment dated October 15, 1975, and March 19, 1976, (2) Supplement No. 5 to the Safety Evaluation Report, (3) March 11, 1976 report to the Commission by the Advisory Committee on Reactor Safeguards, (4) Amendment No. 12 to Facility Operating License DPR–58 with the Commission's related Safety Evaluation, and (5) the letter dated March 30, 1976, from the Office of Nuclear Reactor Regulation to the licensees. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2), (3), (4) and (5) and of the additional Supplement to the Safety Evaluation Report, when issued, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 30th day of March 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2, Division of Project Management.

[FR Doc.76–9681 Filed 4–7–76;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Provisional Operating License No. DPR–21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, which amended the license for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of March 12, 1976.

The amendment will restrict operation of Millstone Unit 1 to 25% of full power pending completion of repairs to the Isolation Condenser.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 12, 1976, (2) Amendment No. 24 to License No. DPR–21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–9682 Filed 4–7–76;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.32, Revision 1, "Criteria for Safety-Related Electric Power Systems for Nuclear Power Plants," describes a method acceptable to the NRC staff of complying with regulations with respect to the design, operation, and testing of safety-related power systems in all types of nuclear power plants. This guide endorses IEEE Standard 308–1974, "IEEE Standard Criteria for Class 1E Power Systems for Nuclear Power Generating Stations."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.32, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by June 4, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 30th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–9683 Filed 4–7–76;8:45 am]

[Docket No. 50–94]

ROCKWELL INTERNATIONAL CORP.

Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License

The Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing Rockwell International Corporation (the licensee), to dismantle the L–77 Reactor, a research reactor located in Canoga Park, California, and to dispose of the component parts in accordance with the plan set out in the licensee's application sworn to January 28, 1976, and to terminate the facility license. The L–77 Reactor is covered by Facility License No. R–40.

Prior to issuance of any orders, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 23, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the orders in connection with the licensee's application. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the

above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event taht a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application sworn to January 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The Safety Evaluation, when issued, and all orders which may ensue may be inspected at the above location and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of Operating Reactors.

Dated at Bethesda, Maryland this 29th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9804 Filed 4-7-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on General Electric Water Reactors will hold a meeting on April 23, 1976 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to develop information for consideration by the ACRS in its review of the General Electric Standard Safety Analysis Report (GESSAR-251) pertaining to the nuclear steam supply system interfaces.

The agenda for the subject meeting shall be as follows:

Friday, April 23, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent reviews of safety reports submitted by the Applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the General Electric Company and their consultants pertaining to review of the Standard Safety Analysis Report-251.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matters are ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552)(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 16, 1976 to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Wash., DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. J. C. McKinley) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. J. C. McKinley, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 30, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after July 23, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: April 1, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-9872 Filed 4-7-76;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. which revised Technical Specifications for operation of Indian Point Nuclear Generating Unit No. 2, located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

This amendment revises the provisions of the Technical Specifications to clarify surveillance test requirements during plant conditions other than power operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated August 25, 1975, (2) Amendment No. 19 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9873 Filed 4-7-76;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees) which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) during any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on November 24, 1975 (40 F.R. 54477). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the letter from K. Goller to G. T. Berry dated July 15, 1975, (2) letter from G. T. Berry to K. Goller dated July 30, 1975, (3) Amendment No. 16 to License No. DPR-59, and (4) the Commission's related Safety Evaluation issued November 17, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (1), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 29th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9871 Filed 4-7-76;8:45 am]

PHILADELPHIA ELECTRIC CO. ET AL.

[Dockets Nos. 50-277 and 50-278]

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 16 and 15 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendments will modify the Technical Specifications to correct several editorial errors, and will not affect the operation of either facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1975, (2) Amendments Nos. 16 and 15 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-9874 Filed 4-7-76;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendments No. 16 to Facility Operating Licenses Nos. DPR–32 and DPR–37 issued to Virginia Electric & Power Company (the licensee) for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments authorize the licensee to receive, possess, and use depleted uranium fuel rods in the 17x17 rod array demonstration program at the Surry Power Station.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

Far further details with respect to this action, see (1) the application for amendments dated March 11, 1976, (2) Amendments No. 16 to Licenses Nos. DPR–32 and DPR–37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of March, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9870 Filed 4-7-76;8:45 am]

[Docket No. 50–155]

CONSUMERS POWER CO. (BIG ROCK POINT NUCLEAR POWER STATION)

Order Extending Time for Submitting Views and Comments on Request for Exemption From Emergency Core Cooling System Performance Requirements

On March 15, 1976, the Commission published in the FEDERL REGISTER a notice of receipt of a request from Consumers Power Company for an exemption for the Big Rock Point Nuclear Power Plant from the ECCS failure criterion, 10 CFR Part 50, Appendix K, Paragraph I.D.1. Pursuant to 10 CFR 50.46(a)(2)(vi), the notice invited submission of views and comments by interested persons not later than March 29, 1976, and submission of views by the Director of Nuclear Reactor Regulation not later than April 5, 1976.

On March 26, 1976, the Director of Nuclear Reactor Regulation submitted comments and a request for an extension of time until April 19, 1976, in which to complete review of the exemption request. Also, by letter of March 26, 1976, Consumers Power Company has submitted additional information supplementing the report titled, "Big Rock Point; Docket 50–155, 'Report on Evaluation of Adequacy of Emergency Core Cooling System.'" previously submitted February 27, 1976, in support of the exemption request. The Commission has also received comments from The Public Interest Research Group in Michigan and from Ralph Rosenberg, attorney-at-law in Washington, DC. These last two comments oppose granting the exemption.

Good cause having been shown, the Director's request for an extension of time until April 19, 1976, for submitting views and comments is granted, pursuant to 10 CFR 2.808(b). The period for public comment is extended until April 14, 1976.

The supplementary material submitted by the applicant on March 26, 1976, and other documents related to this exemption request are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

It is so ordered.

Dated at Washington, D.C. this 5th day of April 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-10113 Filed 4-7-76;8:45 am]

[Docket No. 50–321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR–57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specification for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications associated with facility modifications which will improve the functioning of the Low Pressure Coolant Injection System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1976, and supplemented by letters dated March 8, 1976 and March 22, 1976, (2) Amendment No. 31 to License No. DPR–57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-10114 Filed 4-7-76;8:45 am]

[Docket Nos. 50–516, 50–517]

LONG ISLAND LIGHTING CO. (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

Reconstitution of Board

Elizabeth S. Bowers, Esq., was Chairman of the Atomic Safety and Licensing Board established to consider the above application. Because of schedule conflicts, she is unable to continue in her duties as Chairman of this Board.

Accordingly, Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board.

Dr. Franklin C. Daiber was a member of this Board. Because of schedule conflicts, he also is unable to continue his service in this proceeding. Dr. E. Leonard Cheatum, whose address is Institute of Natural Resources, University of Georgia, Athens, Georgia 30601, will replace Dr. Daiber.

Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland this 2nd day of April 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-10115 Filed 4-7-76;8:45 am]

[Docket Nos. STN 50-477 and STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Availability of Draft Environmental Statement for Atlantic Generating Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulation in 10 CFR Part 51 (formerly 10 CFR 50, Appendix D) notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of the Atlantic Generating Station, Units 1 and 2, to be located off the Southeastern coast of New Jersey about 2.8 statute miles offshore of Atlantic and Ocean Counties, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Stockton State College Library, Pomona, New Jersey 08240. The Draft Statement is also being made available at the Division of State and Regional Planning, Department of Community Affairs, Trenton, New Jersey 08625; Atlantic County Planning Board, 25 Dolphin Avenue, Northfield, New Jersey 08225; and Ocean County Planning Board, Court House Square, Toms River, New Jersey 08753. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by Public Service Electric and Gas Company on behalf of itself, Atlantic City Electric Company, and Jersey Central Power and Light Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 27, 1974 (39 FR 11329).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 24, 1976.

Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. 20555, and the Stockton State College Library, Pomona, New Jersey 08240. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement (NUREG-0058) from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 2nd day of April 1976.

For the Nuc[illegible]tory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-10116 Filed 4-7-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE HARTSVILLE NUCLEAR POWER PLANT, UNITS 1, 2, 3, AND 4

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommitte on the Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4, will hold a meeting on April 23, 1976 in Nashville, TN. Exact location of the meeting room will be announced at a later date. The purpose of this meeting is to further develop information for consideration by the ACRS in its review of the application of the Tennessee Valley Authority, for a permit to construct Units 1, 2, 3, and 4.

The agenda for subject meeting shall be as follows:

Friday, April 23, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Tennessee Valley Authority (TVA), and their consultants, and will hold discussions with groups pertinent to its review of the application of TVA for a permit to construct Units 1, 2, 3, and 4.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than April 16, 1976 to Mr. Elpidio Igne, ACRS, NRC, Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the Fred A. Vought Library, 311 Whiteoak Street, Hartsville, TN 37074.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on April 21, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1393, Attn: Mr. Elpidio Igne) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical instal-

lation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than safeguards information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Elpidio Igne of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 30, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the Fred A. Vought Library, 311 Whiteoak Street, Hartsville, TN 37074.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after July 23, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: April 6, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-10404 Filed 4-7-76;9:28 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 5, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Evaluation of Impact of Teamsters' Strike, DIB-934, single-time, manufacturers, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Anti-Trust Division: Department of Justice Tables on the Pricing of Private Passenger Automobile Insurance, single-time, 52 insurance companies, George Hall, 395-6140.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Dealer Cost Ratios and Maturities on Automobile Instalment Loans—Commercial Banks, FR584A, quarterly, commercial banks, Hulett, D. T., 395-4730.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-10368 Filed 4-7-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

APRIL 2, 1976.

The common stock of Canadian Javelin, Ltd. being trade on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 3 through April 12, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-10108 Filed 4-7-76;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

APRIL 2, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 4, 1976 through April 13, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10109 Filed 4-7-76;8:45 am]

[Release No. 12296; SR-NYSE-75-12 and 75-21]

THE NEW YORK STOCK EXCHANGE, INC.

List of Eligible Securities

MARCH 31, 1976.

Order approving proposed rule changes submitted by the New York Stock Exchange, Inc., on behalf of Depository Trust Company, a registered clearing agency to address certain legal and operational problems associated with the addition of securities to the list of eligible securities.

On November 3 and November 25, 1975, the New York Stock Exchange, Inc., on behalf of Depository Trust Company ("DTC"), its subsidiary and a registered clearing agency, submitted proposed changes to DTC Rule 5, Section 1 and 6 and Sections B, D, F, G, I, and J of the DTC Operating Procedures, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act").

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes and an invitation for comments were published in the FEDERAL REGISTER and also appeared in Securities Exchange Act Release Nos. 12020 (January 15, 1976) and 12038 (January 23, 1976). No letters of comment were received.

As described in Securities Exchange Act Release Nos. 12020 and 12038, the rule changes address certain legal and operational problems associated with the addition of certain securities to the list of Eligible Securities as such term is defined in the rules of DTC. By letters dated March 5, 1976 and March 17, 1975, the proposed rule changes were amended. These letters have been placed in the public file and have been incorporated in the proposed rule changes.

The Commission has reviewed the proposed rule changes and finds that they are consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the rule changes contained in Files SR-NYSE-75-12 and SR-NYSE-75-21 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10110 Filed 4-7-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

APRIL 2, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDREAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC-C-8999 (Notice of filing of petition for declaratory order), filed March 22, 1976. Petitioner: DUFOUR BROTHERS, INC., 115 South Street, Pittsfield, Mass. 01201. Petitioner's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Petitioner seeks a determination as to whether the transportation of school children to and from boarding schools at vacation periods is within the exemption of section 203(b)(1) of the Interstate Commerce Act.

The transportation services in issue are performed under contract with a particular school to transport their students all or part of the way to their homes at the beginning of vacation periods, and to return them at the end of the vacation. Petitioner indicates that the service is provided for and under contract with the private school involved; that the carrier is paid by the school, although the school bills the parents or guardians of the children for this service; that the service is provided for children of "prep school age"; and that the service is provided using buses which are used at other times for charter and special operations. The service is provided at the beginning and end of the school's regularly scheduled vacation periods, and the transportation provided in each instance either begins or ends at the school. At the other terminus of the trip, the children disperse to or gather from their homes by either private or for-hire modes of transportation.

Petitioner indicates that the Commission's Bureau of Operations has taken the position that the described operations do not fall within the so-called "Schoolbus Exemption" of section 203(b)(1) of the Act, inasmuch as the operation must be directly connected with and contribute to the educational development of the school children, sponsored and supervised by the school and supervised by the school authorities, and considered an official school function; citing *Dorsey Bus Co., Inc.—Investigation of Operations*, 113 M.C.C. 574 (1971). Petitioner, on the other hand, contends that these transportation services contribute to the educational development of a child in the same manner as the pickup and delivery of a child daily to his school building contributes to his education, since, if the child is not moved to and from school, the child cannot be educated.

By the instant petition, petitioner seeks a declaratory order to the effect that the operations described above *are* exempt from economic regulation pursuant to section 203(b)(1) of the Interstate Commerce Act.

No. MC 124211 (Sub-No. 231) (Notice of filing of petition to modify commodity restriction), filed February 26, 1976. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Sta., Omaha, Nebr. 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 124211 (Sub-No. 231), issued April 7, 1975, authorizing transportation, over irregular routes, of *Alcoholic beverages* (excpet in bulk), and *such commodities* as are dealt in and used by producers and distributors of alcoholic beverages when moving in mixed loads with beverages, from points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Tennessee, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic destined to producers or distributors of alcoholic beverages. By the instant petition, petitioner seeks to delete the restriction requiring such commodities as are dealt in and used by producers and distributors of beverages to move in mixed loads with beverages, so as to read, *Alcoholic beverages* (except in bulk), and *such commodities* as are dealt in and used by producers of alcoholic beverages.

No. MC 136096 (Sub-No. 3) (Notice of filing of petition to modify permit), filed March 12, 1976. Petitioner: RELIABLE MOVING & STORAGE, INC., P.O. Box 294, St. Louis, Mo. 63049. Petitioner holds a motor *contract carrier* permit in MC 136096 (Sub-No. 3), issued March 25, 1974, authorizing transportation, over irregular routes, of *household appliances, crated*, from High Ridge, Mo., to Collinsville, Belleville, and Hood River, Ill., under a continuing contract, or contracts, with K-Mart Division, S. S. Kresge Company. By the instant petition, petitioner seeks to add (1) Fenton, Mo., as an additional origin, and (2) Fairview Heights, Ill. as an additional destination point to the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 141322 (Sub-No. 1) (Republication), filed September 12, 1975, and published in the FEDERAL REGISTER issue of October 9, 1975, and republished this issue. Applicant: MONTGOMERY X-RAY TRANSPORTATION, INC., 13310 Dove St., Silver Spring, Md. 20904. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. An Order of the Commission, Review Board Number 1, dated February 19, 1976 and served March 22, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *X-Ray scanning machines*, from the plantsite and storage facilities of Pfizer Medical Systems, Inc., located in Howard County, Md., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* necessary for the manufacture and installation of X-Ray scanning machines (except in bulk), from points in the United States (except Alaska and Hawaii) to the origin point in (1) above, under a continuing contract or contracts with Pfizer Medical Systems, Inc.; 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 removal of the equipment restriction phrase "in specially designated X-Ray scanning machine vehicles."

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the 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 describing in detail 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 copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant 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) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 8989 (Sub-No. 222), filed March 15, 1976. Applicant: HOWARD SOBER, INC., 5810 Moriler Rd., P.O. Box 216, Fort Wayne, Ind. 46801. Applicant's representative: Gary Geiger, 2200 East 170th Street, Lansing, Ill. 60438. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck tractors, truck chassis, and transit mixer trucks*, in initial movements in driveaway and truckaway service, from Huron, S. Dak., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 16502 (Sub-No. 19), filed March 10, 1976. Applicant: WILLIAM A. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON AND FRANK TAYLOR ROBINSON, doing business as ROBINSON TRUCK LINES, P.O. Box 737, West Point, Miss., 39773. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphorus pentasulfide*, in containers, from Columbus, Miss., to Port Arthur, Tex.; and (2) *empty containers*, from Port Arthur, Tex., to Columbus, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 21866 (Sub-No. 84), filed March 10, 1976. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene bags and wrappers and cellophane bags and wrappers, paper wrappers*, and *commodities* packaged in polyethylene or cellophane bags (except commodities in bulk), (a) from the facilities of Boyertown Packaging Service Corp., at Boyertown, Packaging Service Corp., at Boyertown, Pa., to points in Illinois, Indiana, Michigan, New York, Ohio, and Wisconsin; (b) from the facilities of Boyertown Packaging Service Corp., at Harrisburg, Pa., to points in Michigan and Wisconsin; and (2) *materials*, used or useful in the manufacture, processing, or distribution of polyethylene bags and wrappers and paper wrappers (except commodities in bulk), from points in the above destination territory, to the named facilities of Boyertown Packaging Service Corp., restricted to the transportation of shipments originating at or destined to the named facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 21866 (Sub-No. 85), filed March 10, 1976. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boiler tubing*, from the facilities of Leighton Tube Company, at Phoenixville, Pa., to points in the United States (except Alaska, Hawaii, and Pennsylvania), restricted to the transportation of shipments originating at the named facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 29079 (Sub-No. 85), filed March 9, 1976. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories, and materials*, used in the installation and sale thereof, from the plantsites and warehouse facilities of Abitibi Corporation, in Lucas County, Ohio, to points in Indiana (except Kokomo and 50 miles thereof), Kentucky (except Louisville), Michigan, Missouri (except St. Louis), that part of New Your east of U.S. Highway 62, that part of Pennsylvania east of U.S. Highway 219, Tennessee, that part of West Virginia south of U.S. Highway 40, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant does not specify any specific location.

No. MC 29910 (Sub-No. 167), filed February 25, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43-Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum scrap, ingots, slabs, billets, blooms, and alumina*, between points within 3 miles of Benton, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, Ohio, the lower peninsula of Michigan, and points in Pennsylvania on and west of U.S. Highway 19.

NOTE.—Applicant states the requested authority can be tacked at Benton, Ark., a point which it is now authorized to serve. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or New Orleans, La.

No. MC 52579 (Sub-No. 150), filed March 15, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, to Los Angeles, Calif., and the Dallas and Fort Worth, Tex. Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 63417 (Sub-No. 86), filed March 10, 1976. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. 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: *Tile, facing or flooring, clay or earthenware glazed, with or without backing flooring, paving, or promenade, quarries, china bathroom fixtures, cement, grout, and*

sundry items necessary for the installation and maintenance thereof, from Jackson, Tenn., to points in Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C.

No. MC 69116 (Sub-No. 182), filed March 15, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Revere Copper and Brass, Inc., at or near Clinton, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 382), filed March 15, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Evaporators, filters, dryers, flakers, boilers, extractors, clarifiers, aerators, separators, pumps, furnaces, parts, and accessories*, from Birmingham, Ala., to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials, and supplies*, used in connection with the manufacture, construction, repair or servicing of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 82841 (Sub-No. 168), filed March 15, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and crates*, from Texarkana, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Little Rock, Ark.

No. MC 88161 (Sub-No. 91), filed March 15, 1976. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash. 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, *catalysts, polyurethane foam, glass fibre roving and resins*, in packages and containers, on the same vehicles in combination for the same shipper, from Tacoma, Wash., to Helena, Mont., and points in Idaho and Oregon.

NOTE.—Applicant holds contract carrier authority in MC 128203 Sub I, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 90870 (Sub-No. 4), filed March 15, 1976. Applicant: GLEN R. REICHMANN, doing business as REICHMANN TRUCK SERVICE, R.R. No. 2, P.O. Box 137, Alhambra, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags, and (2) *manufactured stone*, (1) from Dallas, Tex., to Hamel, Ill., and (2) from Hamel, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 95490 (Sub-No. 40), filed March 15, 1976. Applicant: UNION CARTAGE COMPANY, a Corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, 1730 M. Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to Hawthorne (Westchester County), N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 98327 (Sub-No. 19) (Correction), filed January 5, 1976, published in the FEDERAL REGISTER issues of February 5, 1976, and March 4, 1976, republished as corrected this issue. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, Fourth Floor, San Francisco, Calif. 94104. 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 commodities which require the use of special equipment), (1) Between Portland, Oreg., and Vancouver, Wash.: From Portland, Oreg., over Interstate Highway 5 to Vancouver, Wash., and return over the same route; (2) Between Blythe, Calif., and Nogales, Ariz., serving all intermediate points: From Blythe, Calif., over U.S. Highway 60 to Phoenix, Ariz., thence over Interstate Highway 10 to Tucson, Ariz., thence over Interstate Highway 19 to Nogales, Arizona, and return over the same route.

(3) Between Winterhaven, Calif., and Phoenix, Ariz., serving all intermediate points: From Winterhaven, Calif., over U.S. Highway 80 to Phoenix, Ariz., and return over the same route; (4) Between Gila Bend, Ariz., and Junction Interstate Highway 8 and Intersate Highway 10 (near Arizona City, Ariz.), serving all intermediate points: From Gila Bend, Ariz., over Interstate Highway 8 to its junction with Interstate Highway 10 near Arizona City, Ariz., and return over the same route; (5) Between Gila Bend and Douglas, Ariz., serving all intermediate points: From Gila Bend, Ariz., over Arizona Highway 85 to its junction with Arizona Highway 86 thence over Arizona Highway 86 to Tucson, Ariz., thence over Interstate Highway 10 to Benson, Ariz., thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route; (6) Between Junction Arizona Highway 90 and Interstate Highway 10 (near Benson, Arizona) and Douglas, Ariz., serving all intermediate points: From Junction Arizona Highway 90 and Interstate Highway 10 over Arizona Highway 90 to its junction with U.S. Highway 80, thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route; (7) Between Blythe, Calif., and Parker, Ariz., serving all intermediate points and serving the off-route point of the Parker Dam Site: From Blythe, Calif., over U.S. Highway 95 to its junction with California Highway 62 (north of Vidal, Calif.), thence over California Highway 62 to the California/Arizona border, thence over Arizona Highway 95 to Parker, Ariz., and return over the same route; and (8) Between Yuma, and Quartzsite, Ariz., for operating convenience only serving no intermediate points: From Yuma, Ariz., over U.S. Highway 95 to Quartzsite, Ariz., and return over the same route. Service is authorized at all off-route points in the counties of Yuma, Maricopa, Pinal, and Pima, Ariz.

NOTE.—The purpose of this second republication is to correct the requested authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or San Diego, Calif., or Tucson, Ariz.

No. MC 100449 (Sub-No. 62) (Amendment), filed February 10, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as amended this issue. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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 (except hides and commodities in bulk), from Amarillo, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico,

North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

NOTE.—The purpose of this republication is to add the State of Indiana as a destination point. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 105120 (Sub-No. 15), filed March 8, 1976. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, Tenn. 38103. Applicant's representative: James N. Clay III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined, Class A and B explosives, commodities which because of size or weight require the use of special equipment and commodities in bulk), serving the plantsite of American Greetings Corporation, located at or near McCrory, Ark., in conjunction with its presently authorized regular routes between Memphis and Marked Tree and an applied for route between Memphis and Little Rock.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 106920 (Sub-No. 64), filed March 10, 1976. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except commodities in bulk), from Indianapolis, Ind., to points in Ohio, Pennsylvania, and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 107295 (Sub-No. 804), filed February 23, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, plastic, vinyl, or fiberglass building parts: structural steel; doors; windows; and door or window frames*, from Clinton, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 805), filed February 27, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, pilings, crossties, and lumber*, between points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, and that part of Pennsylvania on and west of U.S. Highway 219, and those parts of New York, Virginia, and West Virginia on and west of U.S. Highway 19.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 807), filed March 15, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casket components*, from Richmond, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Columbus, Ohio.

No. MC 107515 (Sub-No. 1001), filed March 8, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquor*, in bulk, in dismountable containers, from Port of West Palm Beach, Fla., to Scobeyville, N.J.; and (2) *empty dismountable containers*, from Scobeyville, N.J., to Port of West Palm Beach, Fla., restricted against the transportation of commodities which, because of size and weight, require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in MC 126436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Atlanta, Ga.

No. MC 108449 (Sub-No. 390), filed March 11, 1976. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wisc. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Bettendorf, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 109584 (Sub-No. 166), filed March 15, 1976. Applicant: ARIZONA-PACIFIC TANK LINES, 3980 Quebec Street, P.O. Box 7240, Denver, Colo. 80207. Applicant's representative: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate*, in bulk, in tank vehicles, from points in San Mateo County, Calif., to Dallas and Ft. Worth, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109689 (Sub-No. 296), filed March 11, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in California, to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110563 (Sub-No. 176), filed March 17, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and artciles 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 hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Whitehall Packing, located at or near Eau Claire and Whitehall, Wis., to points in Illinois, Indiana, Ohio, Michigan, Iowa, Nebraska, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 111729 (Sub-No. 622), filed March 16, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those which because, of size or weight require the use of special equipment, and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Spokane County, Wash., on the one hand, and on the other, Lewiston and Moscow, Idaho, restricted against the transportation of shipments weighing in the aggregate of 50 pounds or more, and each package or article shall be considered a separate and distinct shipment, and further restricted to the transportation of shipments weighing in the aggregate of 125 pounds or more from any one consignor to any one consignee on any one day.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and other subs,

therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 111812 (Sub-No. 522), filed March 15, 1976. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Eureka, S. Dak., to Northvale, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112713 (Sub-No. 190), filed March 11, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). 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 the junction of U.S. Highway 72 and U.S. Highway 43 and Memphis, Tenn., serving no intermediate points. From the junction of U.S. Highway 72 and U.S. Highway 43, over U.S. Highway 72, to Memphis, and return over the same route, restricted against the transportation of traffic originating at or destined to, points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112822 (Sub-No. 399), filed March 12, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Longview, Tex., to points in Oklahoma; and (2) *empty malt beverage containers*, from points in Oklahoma, to Longview, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 113651 (Sub-No. 191), filed March 11, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from Fort Branch, Ind., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, eastern New York, eastern Pennsylvania and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 194), filed, March 10, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Fort Branch, Ind., to points in Florida and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113828 (Sub-No. 238), filed March 15, 1976. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flourspar*, in bulk, from points in Hardin County, Ill., to Baltimore, Md., and Millville, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 365) (Correction), filed January 30, 1976, published in FEDERAL REGISTER issue of March 11, 1976, republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from the Owensboro Riverport Authority at or near Owensboro, Ky., to points in Alabama, Arkansas, District of Columbia, Florida (points on and north of Florida State Highway 40), Georgia, Illinois, Indiana, Iowa, Kansas (points on and east of U.S. Highway 81), Kentucky, Louisiana, Mississippi, Maryland, Michigan, Minnesota (points on and south of Minnesota Highway 210), Missouri, Nebraska (points on and east of U.S. Highway 81), New York (points on and west of U.S. Interstate Highway 81), North Carolina, Ohio, Oklahoma (points on and east of U.S. Highway 81), Pennsylvania (points on and west of Interstate Highways 81, 81E and 80), South Carolina, and South Dakota (points on and east of U.S. Highway 81), Tennessee, Texas (points on and east of the following highways: Commencing at the Oklahoma-Texas State boundary-U.S. Highway 81 to Fort Worth, Tex., thence along U.S. Highway 287 to Ennis, Tex., thence along U.S. Highway 45 to Houston, Tex., thence along Texas State Highway 288 to the Gulf of Mexico), Virginia, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 432), filed March 11, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, ammoniacal liquor and aqua ammonia, ammonium, persulfate, chrome sulphate solution, copper sulphate (blue vitroil), and nickel plating solution;* (2) *cleaning, scouring, washing compounds and soap;* (3) *paints, paint compounds, lacquer, varnish, gum, resin, plastic and adhesive increasing, reducing, removing, thickening and thinning;* and (4) *pumice stone*, from Westwood, Newton, and Salem, Mass., to points in Texas and California, restricted in (1), (2), (3), and (4) above to the transportation of commodities in bulk, and further restricted to traffic moving in vehicles equipped with mechanical referigeration.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Boston, Mass.

No. MC 114211 (Sub-No. 260), filed February 25, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk and scrap metals, metal articles, and metal products*, from points in the United States (except Alaska and Hawaii), to Black Hawk County, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 114273 (Sub-No. 246), filed March 11, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and cereals*, from Omaha, Nebr., to points in Kansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114552 (Sub-No. 110), filed March 10, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and articles* used in the farming and forestry

industries, from Tarboro, N.C., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Minnesota, Wisconsin, Iowa, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine and the District of Columbia, and (2) *materials and supplies* used in the manufacture of agricultural machinery and articles used in the manufacture of agricultural machinery and articles used in the farming and forestry industries (except commodities in bulk, in tank vehicles), from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, to Tarboro, N.C., restricted to the transportation of shipments originating at or destined to the plantsites or storage facilities of the Long Manufacturing Company at Tarboro, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Raleigh, N.C.

No. MC 115092 (Sub-No. 40), filed March 2, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite*, in packages, from the facilities of American Colloid Company, at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Texas; (2) *lignite coal and treated lignite*, in packages, from Belle Fourche, S. Dak., to points in Texas, Oklahoma and Utah; and (3) *foundation water impedance boards*, from Belle Fourche, S. Dak., to points in Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., Salt Lake City, Utah., or Washington, D.C.

No. MC 115162 (Sub-No. 318), filed March 15, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Walk-in coolers, cooling machines, and parts and accessories therefor*, from Montgomery, Ala., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montgomery, Ala., or Atlanta, Ga.

No. MC 115762 (Sub-No. 10), filed March 15, 1976. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Highway 41–A North, P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 631 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, between Wood River, Ill., and its Commercial Zone and Hopkinsville, Ky., and its Commercial Zone.

NOTE.—Applicant holds contract carrier authority in MC 114989 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Hopkinsville, Ky.

No. MC 115841 (Sub-No. 513), filed March 10, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, hode Island, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Macon, Ga., or Birmingham, Ala.

No. MC 115904 (Sub-No. 45) (Correction), filed February 5, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, as MC 115904 (Sub-No. 43), republished as corrected this issue. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry articles and supplies*, from Denver, Boulder and Pueblo, Colo., to points in Idaho, California, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—The purposes of this republication are to correct the docket number and to correct the commodity description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Washington, D.C.

No. MC 116273 (Sub-No. 202), filed February 12, 1976. Applicant: D. & L. TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from North Judson, Ind., to points in Ohio, Michigan, Tennessee, Illinois, South Carolina, West Virginia, North Carolina, Missouri, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 337), filed March 12, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, ends and lids*, from Tallapoosa, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 116915 (Sub-No. 25), filed March 3, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 43201. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers*, for air, gas or liquids; *machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, and Perry Counties, Ill., and points in St. Clair County, Ill., on and south of State Highway 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, in Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Louisville or Lexington, Ky., or Washington, D.C.

No. MC 117574 (Sub-No. 273) (Correction), filed January 26, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, republished as corrected this issue. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth moving, material handling, paving, mine, quarry, and compaction machinery and equipment; air compressors, pumps; and portable light plants;* and (2) *attachments, accessories, parts, and supplies* used in connection with erection, construction, operation, repair or maintenance of the commodities named in (1) above, (1) Between points in North Caro-

lina and South Carolina, and (2) Between points in North Carolina and South Carolina, on the one hand, and on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of shipments originating at or destined to the facilities of L. B. Smith, Inc., its affiliates, subsidiaries, suppliers, or distributors.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 117604 (Sub-No. 11), filed February 26, 1976. Applicant: MEADORS FREIGHT LINES, INC., 1080 South River Industrial Blvd. S.E., Atlanta, Ga. 30315. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. 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 Cartersville, Ga., and Scottsboro, Ala.: From Cartersville, Ga., over Georgia Highway 20 to the junction of Alabama Highway 9, thence over Alabama Highway 9 to junction of Alabama Highway 35, thence over Alabama Highway 35 to Scottsboro, Ala., and return over the same route, serving the intermediate points of Blanche, Fort Payne, Gaylesville, Rainsville, and Section, Ala., and their Commercial Zones, and the off-route points of Fyffe, Geraldine, Henagar, Ider, and Pisgah, Ala., and their Commercial Zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Birmingham, Ala.

No. MC 118142 (Sub-No. 119), filed March 2, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat 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's Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Portland, Oreg., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118142 (Sub-No. 120), filed March 10, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative. Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and pizza ingredients* (such commodities as are used in the manufacturing of pizzas), from the plantsite and warehouse of Doskocil Sausage Company located at or near Hutchinson, Kans., to Langhorne, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118989 (Sub-No. 133) (Correction), filed February 2, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, republished as corrected this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, ends and components, and materials and supplies* used in the manufacture and distribution of containers, container closures, ends and components, between the plantsites of American Can Company located at Milwaukee, Wis., Chicago and Hoopeston, Ill., Indianapolis, Hammond, and Austin, Ind., St. Louis, Mo., St. Paul and Austin, Minn., and Delaware, Ohio.

NOTE.—The purpose of this republication is to correct the requested authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119315 (Sub-No. 20), filed March 15, 1976. Applicant: FREIGHTWAYS CORPORATION, 131 Matzinger Rd., Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass products*, from the plantsite of the Richmond Products Division of Travis Corporation located at Richmond, Mich., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119399 (Sub-No. 56), filed March 15, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., Joplin, Mo. 64801. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, enclosures for glass containers, and corrugated boxes*, knocked down, from Muskogee, Okla., and Rosemount, Minn., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 119789 (Sub-No. 284), filed March 11, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6811, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Surface coated paper;* (2) *sensitized blueprint or reproduction paper*, in vehicles equipped with mechanical refrigeration, from Medford, Oreg., to Compton, Calif.; Chicago, Elk Grove Village, and Wood Dale, Ill.; Denver, Colo.; Secaucus, N.J.; Atlanta, Ga.; Grand Prairie, Tex.; Memphis, Tenn.; and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Dallas, Tex.

No. MC 120184 (Sub-No. 11), filed March 8, 1976. Applicant: PEP LINES TRUCKING CO., 15120 Third Avenue, Highland Park, Mich. 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, those requiring special equipment, Classes A and B explosives, household goods as defined by the Commission, and commodities of unusual value), between Detroit, Mich., on the one hand, and, on the other, points in Wayne, Monroe, Lenawee, Washtenaw, Livingston, Macomb, Genesee, Lapeer, St. Clair, and Oakland Counties, Mich., points in that part of Shiawassee County, Mich., on and east of Michigan Highway 52, points in that part of Jakson County, Mich., east of Michigan Highway 127, and those in that part of Ingham County, Mich., on and east of a line beginning at the intersection of its southern boundary with Michigan Highway 52 to junction with the northern boundary of Ingham County.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124236 (Sub-No. 80), filed March 11, 1976. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cement*, in bulk, from Oklahoma City, Okla., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 124669 (Sub-No. 39), filed February 23, 1976. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Box 396, Moorhead, Minn. 56560. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Sioux Falls, S. Dak., to points in Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 125433 (Sub-No. 73), filed March 8, 1976. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applican'ts representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, (a) from East Morris, Ill., to points in the United States on and west of a line beginning at the mouth of Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; (b) from Riverside and Visalia, Calif., to points in the United States, on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and points in Illinois, Indiana, and Ohio, (2) *aluminum and zinc ingots*, from Checotah, Okla., to points in Arkansas, Texas, Missouri, Tennessee, Kansas, Colorado, Illinois, Iowa, Georgia, Ohio, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania, and Wisconsin, and (3) *aluminum ingots, blooms, pigs, billets and slots*, from Ferndale, Wash., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada and to points in Illinois, Wisconsin, Indiana, and Ohio, restricted to traffic originating at or destined to the facilities of Alumax Inc., and its affiliated companies.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with Sammons Trucking at Washington, D.C., or Chicago, Ill.

No. MC 125433 (Sub-No. 74), filed March 8, 1976. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire hydrants, iron valves, castings, pipe and pipe fittings, indicator posts, floor stands and parts, attachments, accessories, and supplies* used in connection with the commodities described, from the plantsites of the Mueller Company located at or near Chattanooga, Tenn., and Albertville, Ala., to points in New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or San Francisco, Calif.

No. MC 126899 (Sub-No. 96), filed March 10, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk and in bags, between the site of the Paducah-McCracken County Riverport Authority at or near Paducah, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Tennessee, West Virginia, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Paducah or Louisville, Ky.

No. MC 128007 (Sub-No. 87), filed March , 1976. Applicant: HOFER, INC., 4032 Parkview Drive, P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic ash*, from points in Beaver County, Okla., to points in Illinois, Iowa, Kansas, Missouri, Ohio, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128343 (Sub-No. 30), filed March 5, 1976. Applicant: C–LINE, INC., Tourtellot Hill Rd., Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M St., NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and automotive goods, appliances, equipment, parts and related accessory items* used in the manufacture and distribution thereof, from Manchester, N.H., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities set forth in (1) above from points in the United States (except Alaska and Hawaii), to Manchester, N.H., under a continuing contract, or contracts with Avnet, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 138861 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Providence, R.I.

No. MC 128729 (Sub-No. 3), filed February 27, 1976. Applicant: GIANNINI TRUCKING CO., INC., 2617 E. Butler Street, Philadelphia, Pa. 19137. Applican's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, (1) from points in Iowa (except Dubuque), Kansas, Missouri, and South Dakota, to Philadelphia, Pa.: and (2) from Dubuque, Iowa, St. Paul, Minn., and points in that part of Minnesota on and south of Interstate Highway 90, to Philadelphia, Pa., restricted in (1) and (2) above to a transportation service to be performed under a continuing contract or contracts with A. Servetnick & Sons, of Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129475 (Sub-No. 11), filed March 15, 1976. Applicant: CARRELL TRUCKING CO., INC., P.O. Box 186, Monroe, Ga. 30655. Applicant's representative: William Addams, Ste. 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between the warehouses of Sears, Roebuck and Company located at Atlanta, Ga., on the one hand, and, on the other, Hayesville and Highlands, N.C. and McCormick, Edgefield, and Johnston, S.C., under a continuing contract, or contracts with Sears, Roebuck and Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 134112 (Sub-No. 3), filed March 8, 1976. Applicant: NATIONAL FREIGHTWAYS, INC., 3204 S. 121st, Omaha, Nebr. 68144. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, pelts, chromes, tails, switches, or parts thereof, and collagen*, from the plantsite of warehouse facilities utilized by Milocol, Inc., located at or near Bellevue, Nebr., to points in the United States (except Alaska and Hawaii); and (b) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities specified in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Milocol, Inc., located at or near Bellevue, Nebr., restricted to a transportation service to be performed under a continuing contract with Milocol, Inc., located at Bellevue, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134142 (Sub-No. 11), filed March 15, 1976. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, Kans. 66701. Appli-

cant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, from Monterey Park, Calif., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Tennessee, Texas, and Utah, under a continuing contract, or contracts with Advance Foods, Inc.

NOTE.—Applicant holds common carrier authority in No. MC–139587 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 100), filed March 1, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Cloquet, Minn., to Jacksonville, Miami, and Tampa, Fla.; Atlanta, Ga.; New Orleans, La.; and Memphis and Nashville, Tenn.

NOTE.—If hearing is deemed necessary, applicant requests it be held in Minneapolis, Minn.

No. MC 134922 (Sub-No. 163), filed March 11, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Jefferson City, Tenn., to points in Arizona, California, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Tenn. or Little Rock, Ark.

No. MC 134922 (Sub-No. 165), filed March 11, 1976. Applicant: B. J. McADAMS, INC., Route No. 6, P.O. Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Los Angeles, Calif., to points in the United States (except Alaska, Hawaii, and Calif.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. or Little Rock, Ark.

No. MC 135213 (Sub-No. 5), filed February 26, 1976. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, P.O. Box 335, Lovell, Wyo. 82431. Applicant's representative: Jerome Anderson, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and processed bentonite clay*, in bags and in bulk, from the plantsite of American Colloid Company, located 3 miles east of Lovell, Wyo., (1) to points in Oklahoma and Texas; and (2) to points in Colorado, New Mexico, Arizona, California, Nevada, and Utah, restricted on service to be performed to points in the destination States named in (2) above to the transportation of the above named commodities in bulk in vehicles other than pneumatic tank vehicles, under a continuing contract, or contracts, with American Colloid Company, Skokie, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings, Mont., or Casper, Wyo.

No. MC 135684 (Sub-No. 20) (Correction), filed February 10, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, as MC 153684 (Sub-No. 20), republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and by-products thereof, fibreboard and by-products thereof, and paperboard and by-products thereof*, (a) from, Cuyahoga Falls, Youngstown, and Rittman, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; and (b) from, Rittman, Ohio, to points in Connecticut, Massachusetts, and Rhode Island; (2) *machinery, materials and supplies* (except wastepaper, liquid commodities in bulk, and those commodities requiring the use of special equipment) used in the manufacture of pulpboard and by-products thereof, fibreboard and by-products thereof, and paperboard and by-products thereof, (a) from points in Connecticut, Massachusetts, and Rhode Island, to Rittman, Ohio; and (b) from points in Delaware, Illinois, Indiana (except South Bend), Kentucky, Maryland, Michigan (except Plymouth), Missouri, New Jersey, New York (except Lockport), Pennsylvania (except Pittsburgh), Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Cuyahoga Falls, Youngstown, and Rittman, Ohio, with no transportation for compensation on return except as otherwise authorized; (3) *Paperboard and paperboard products*, from Lancaster, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia; (4) *skids, pallets, and containers* on or in which such paperboard and paperboard products are shipped, from points in the destination territory specified immediately above, to Lancaster, Pa., (5) *machinery, materials, and supplies* used in the manufacture of paperboard and paperboard products (except liquid commodities in bulk, and except waste paper), from points in New York (except New York, N.Y.), New Jersey (except Hudson, Essex, and Bergen Counties), Delaware, and Ohio, to Lancaster, Pa.; (6) *skids, pallets, and containers* on or in which such machinery, materials, and supplies are shipped, from Lancaster, Pa., to points in the origin territory specified immediately above; and (7) *waste paper*, from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New York, New Jersey, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, to Akron, Cleveland, and Rittman, Ohio.

NOTE.—The purpose of this republication is to correct the docket number MC 135684 (Sub-No. 20) in lieu of MC 153684 (Sub-No. 20). Applicant seeks to convert a permit issued in MC 87720 Sub 89 to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at either Flemington or Trenton, N.J.

No. MC 135916 (Sub-No. 2), filed March 15, 1976. Applicant: ROBERT J. LITTLE, doing business as LITTLE'S DELIVERY SERVICE, P.O. Box 332, Crawfordsville, Ind. 47933. 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: *Sample books, color books, original art work, copy, and transmittal orders*, in pouches and cartons, between the plantsite of R. R. Donnelley & Sons Company, at Crawfordsville, Ind., on the one hand, and, on the other, Weir Cook Municipal Airport, at Indianapolis, Ind., under contract with R. R. Donnelley & Sons Company, restricted to traffic having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 136008 (Sub-No. 69), filed March 1, 1976. Applicant: JOE BROWN COMPANY, INC., a Corporation, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash, and bottom ash*, (a) between points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; and (b) from points in Missouri, to points in Louisiana, Mississippi, New Mexico, and Texas; and (2) *sand*, from points in Johnston and Pontotoc Counties, Okla., to points in Mississippi, Coffeyville, Eureka, Great Bend, Hays, Medicine Lodge, and Parsons, Kans.; Bossier City, Houma, Lafayette, Lake Charles, and

Venice, La.; Alice, Amarillo, Bay City, Beaumont, Houston, Kilgore, Luling, Mission, Palestine, and Victoria, Tex.; and points in Smith County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Texas.

No. MC 136228 (Sub-No. 16), filed March 15, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, between Wallula, Wash., on the one hand, and, on the other, Eureka, Yuba City, San Jose, San Francisco, San Leandro, Oakland, and Los Angeles, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 136531 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 136343 (Sub-No. 76), filed March 15, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, pulpboard*, (except corrugated), from Cleveland, Tenn., to points in California, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Texas, (2) *materials, supplies, and equipment* used in the manufacture and distribution of boxes, pulpboard, (except corrugated), from points in Georgia, Kentucky, North Carolina, and Virginia, to Cleveland, Tenn.

NOTE.—Applicants holds contract carrier authority in No. MC 96098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136407 (Sub-No. 12), filed March 8, 1976. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from points in Jefferson County, Colo., to points in Montana and Washington, under a continuing contract or contracts with Adolph Coors Company of Golden, Colo.; and (2) *equipment, materials, and supplies*, used and dealt in by breweries or porcelain manufactures, from points in Louisiana, Montana, and Washington to points in Boulder and Jefferson Counties, Colo., under a continuing contract or contracts with Adolph Coors Company of Golden, Colo., or Coors Porcelain Company of Golden, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 136553 (Sub-No. 39), filed March 15, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and vanities and accessories* therefor, from Ottawa, Kans., to points in Crawford, Grant, Iowa, and Lafayette Counties, Wis.; points in Carroll, Jo Daviess, Rock Island, Stephenson, and Whiteside Counties, Ill.; and points in Benton, Black Hawk, Buchanan, Cedar, Clayton, Clinton, Delaware, Dubuque, Fayette, Linn, Jackson, Johnson, Jones, Scott, and Winneshiek Counties, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136831 (Sub-No. 4), filed February 10, 1976. Applicant: GEORGE HUSACK, 167 Locust Drive, Schnecksville, Pa. 18078. Applicant's representative: Paul F. Gilligan, 330 South Berks Ave., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Tamaqua, Schuykill County, Pa., to Lakeville, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Allentown or Philadelphia, Pa.

No. MC 138824 (Sub-No. 2), filed March 15, 1976. Applicant: REDWAY CARRIERS, INC., 411 Eleventh Street, P.O. Box 104, Waukegan, Ill. 60085. Applicant's representative: Paul J. Maton, 10 S. La Salle Street, Suite 1620, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machines, equipment, implements and parts, and materials, supplies, tools and equipment*, incidental to, or used in the manufacture and production, sale, storage, and distribution of the above-named commodities, between Peoria, Waukegan, and Galesburg, Ill., points in Milwaukee, Manawa, and Rock Counties, Wis., Lincoln, Nebr., St. Paul, Minn., points on the Michigan-Canadian border, and points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Illinois, Kentucky, and Tennessee, under a continuing contract or contracts with Outboard Marine Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138882 (Sub-No. 11), filed March 8, 1976. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batteries*, from the facilities of S.G.L. Battery Manufacturing, Inc., at Detroit, Mich., to points in the United States east of and including Minnesota, Iowa, Kansas, Oklahoma, and Texas, restricted to destinations where the applicant will pick up and return scrap batteries, to Troy, Ala., under its present operating authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 139040 (Sub-No. 1), filed February 27, 1976. Applicant: JAMES L. NANNEY, doing business as NANNEY TRANSPORT, Route 1, Benton, Ky. 42025. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, in truck away service, in secondary movements, (1) from points in Michigan on and south of Michigan Highway 21; points in Cook, Lake, McHenry, Kane, DuPage, Will, Peoria, Macon, Sagamon, Madison, and St. Clair Counties, Ill.; points in St. Louis County, Mo.; points in Florida on and south of Florida Highway 50; and points in Davidson County, Tenn., to points in Kentucky, west of the Tennessee River; and (2) from points in Kentucky, west of the Tennessee River, to Indianapolis and Clarksville, Ind.; points in St. Louis County, Mo.; points in Oakland, Wayne, and Macomb Counties, Mich.; points in Cook County, Ill.; and points in Davidson County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Louisville, Ky.

No. MC 139312 (Sub-No. 2) (Correction), filed January 14, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, as MC 139212 (Sub-No. 2), republished as corrected this issue. Applicant: JOE H. TIDWELL, doing business as NORTHEAST TRUCK BROKERS, 719 North Cage, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Thomas R. Kingsley, Suite 1030, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe fittings* (including threaded pipe), from Blossburg (Tioga County) and Waynesboro (Franklin County), Pa., to points in Florida, Georgia, Illinois, Louisiana, Tennessee, and Texas.

NOTE.—The purpose of this republication is to correct the docket number MC 139312 (Sub-No. 2), in lieu of MC 139212 (Sub-No. 2), and to further correct the name of applicant. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139958 (Sub-No. 1), filed March 4, 1976. Applicant: R. T. SERVICE, INC., Route No. 1, Hardinsburg, Ky. 40143. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort,

Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Louisville, Ky., and Scottsburg, Ind.: From Louisville, Ky., over U.S. Highway 31 and Interstate Highway 65 to Scottsburg, Ind., and return over the same route, serving all intermediate points (2) between Louisville, Ky., and Scottsburg, Ind.: From Louisville, Ky., over Indiana Highway 62 to its junction with Indiana Highway 56, thence over Indiana Highway 56 to Scottsburg, Ind., serving all intermediate points and the off-route points of Paynesville, (3) between Louisville, Ky., and the junction of Indiana Highway 56 and Indiana Highway 3 serving all intermediate points: From Louisville over Indiana Highway 62 to its junction with Indiana Highway 3, thence over Highway 3 to its junction with Indiana Highway 56.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Scottsburg, Ind.

No. MC 140218 (Sub-No. 1), filed March 3, 1976. Applicant: THOMPSON, INC., 5014 Broadway, Quincy, Ill. 62301. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden beehives, beekeeping equipment and supplies, and hardware*, when moving at the same time with the commodities named above, from Polson, Mont., to points in California, Colorado, Florida, Georgia, Illinois, Iowa, Maryland, Michigan, Minnesota, Missouri, North Carolina, New York, Ohio, Oregon, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin; (2) *honey containers*, from Chicago, Ill., and Ada, Okla., to Polson, Mont.; (3) *nails*, from Portland, Oreg., and Peoria, Ill., to Polson, Mont.; (4) *corrugated cartons*, from Spokane, Wash., to Polson, Mont.; and (5) *lumber*, from points in California, Idaho, North Dakota, Oregon, South Dakota, and Washington, to Polson, Mont., restricted to service performed under contract with Western Bee Supplies, Inc., at Polson, Mont.

NOTE.—Applicant holds common carrier authority in MC 39443 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 140748 (Sub-No. 4), filed March 10, 1976. Applicant: DICKIE L. SJSLER, Box 33, Wiota, Iowa 50274. Applicant's representative: L. Agnew Myers, Jr., 734 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines* and *paperback books*, from the plantsite and facilities of Mo-Kan News, located at or near Merriam, Kans., to the facilities of Mid Continent News Co., Inc. located at Norfolk, Nebr., Salina and Concordia, Kans., and Beatrice, Nebr., under a continuing contract, or contracts with Mid Continent News Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 140829 (Sub-No. 7), filed March 1, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 commodities in bulk), from the plantsite and storage facilities utilized by Hawarden of Iowa, Inc., at or near Hawarden, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141033 (Sub-No. 10), filed March 4, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91479. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Rotary mower parts and supplies, and small engines, parts and supplies*, from Glennville, Ga. to points in the United States (except Alaska and Hawaii), (2) *materials* and *supplies* used in the manufacture of rotary mower and small engines, from points in the United States (except Alaska and Hawaii) to Glennville, Ga.; and (3) *returned, refused or rejected shipments*, from the destinations shown in items 1 and 2 above to the respective origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Savannah, Ga., or Washington, D.C.

No. MC 141278 (Sub-No. 4), filed February 27, 1976. Applicant: CHARLES W. SIRCY CORPORATION, 434 Atlas Drive, Nashville, Tenn. 37072. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products* and *articles distributed by packing houses* (except hides, skins and pieces therefrom, and commodities in bulk), between Nashville and Clarksville, Tenn., and Kinston, N.C., on the one hand, and on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming), under a continuing contract or contracts with Frosty Morn Meats, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 141351 (Sub-No. 1), filed February 27, 1976. Applicant: MODERN GRAIN SYSTEMS, INC., 1745 169 South, Amboy, Minn. 56010. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying and handling equipment, attachments and accessories* thereto, from Indianapolis, Ind., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to shipments originating at the plantsite and storage facilities of Farm Fans, Inc., Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 141355 (Sub-No. 2), filed March 4, 1976. Applicant: GEORGE J. LAUBNER, doing business as GEE EL TRUCKING COMPANY, 800 Wilhemina Court, Palm Bay, Fla. 32905. Applicant's representative: George J. Laubner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated aircraft engines, parts and propellers*, between Williamsport and Lancaster, Pa., and Baltimore, Md., and points in their Commercial Zones, on the one hand, and, on the other, Vero Beach, Fla., under a continuing contract with Piper Aircraft Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Florida or Georgia.

No. MC 141516 (Sub-No. 1), filed March 12, 1976. Applicant: RICHARD L. HODGERS, INCORPORATED, P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal and processed meat and bone meal* (in bulk) from points in Massachusetts to points in Maine.

NOTE.—If a hearing is deemed necessary, the applicant does not request any specific location.

No. MC 141624 (Sub-No. 2), filed March 11, 1976. Applicant: SCOTT BANKS TRUCKING, INC., Route No. 1, Barnardsville, N.C. 28709. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*,

by motor over irregular routes, transporting: *Agricultural limestone*, in bulk, in dump vehicles, from Jefferson City, Tenn., and its Commercial Zone, to points in Georgia, on and east of U.S. Highway 441 from the Georgia-North Carolina State line to Athens, Ga., and on and north of Georgia Highway 72 from Athens, Ga., to the Georgia-South Carolina State line, points in North Carolina on and west of U.S. Highway 21, and points in South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Asheville, N.C. or Greenville, S.C.

No. MC 141670 (Sub-No. 1), filed March 9, 1976. Applicant: L & C OF HAMPTON, INC., Rt. 2, Box 133, Hampton, Ark. 71744. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, dirt, sand, clay, and gravel*, in bulk, in dump-bed trailers, from points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Drew, Jefferson, Lincoln, Nevada, Ouachita, and Union Counties, Ark., to points in Bienville, Bossier, Caddo, Claiborne, East Carroll, Jackson, Lincoln, Morehouse, Ouachita, Richland, Union, Webster, and West Carroll Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141694 (Sub-No. 1), filed March 5, 1976. Applicant: HARCO CARRIERS, INC., 1808 Ford Road, Minnetonka, Minn. 55343. Applicant's representative: John B. Van de North, Jr., 4610 IDS Center, 80 South Eighth Street, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic tile*, from the plantsite and storage facilities of Robertson-American of Mississippi, located at or near Cleveland, Miss.; Astec Ceramics, located at or near San Antonio, Tex.; Materials Marketing Corp., located at or near San Antonio, Tex.; H & R Johnson, located at or near Keyport, N.J.; London Tile, located at or near New London, Ohio; Arketex Ceramic Corp., located at or near Brazil, Ind.; Keystone Ridgeway Co., located at or near Gettysburg, Pa., to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, (2) *quarry tile*, from the plantsite and storage facilities of Structural Stoneway, located at or near Ironton, Ohio to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, (3) *ceramic fixtures*, from the plantsite and storage facilities of Robertson-American of Ohio, located at or near Dalton, Ohio to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, (4) *slate*, from the plantsite and storage facilities of Tatko Bros. Slate, located at or near Middle Granville, N.Y., to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, (5) *setting material*, from the plantsite and storage facilities of The Upco Co., located at or near Cleveland, Ohio and H. B. Fuller, located at or near Palatine, Ill., to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, (6) *cement board*, from the plantsite and storage facilities of Modulars, Inc., located at or near Hamilton, Ohio to points in Minnesota, North Dakota and South Dakota on and east of U.S. Highway 83, and points in Wisconsin on and west of U.S. Highway 53, restricted in (1) through (6) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141706 (Sub-No. 2), filed March 8, 1976. Applicant: FRED M. DUNN, doing business as DUNN TRUCKING CO., 2847 Adams, Camden, Ark. 71701. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, clay dirt, sand and gravel*, in bulk, in dump-bed trailers, from points in Columbia, Hempstead, Pike, Nevada, Jefferson, Calhoun, Ouachita, Union, Bradley and Dallas Counties, Ark., to points in Sabine, Natichitoches, Grant, LaSalle, Catahoula, DeSota, Red River, Caldwell, Franklin, Tensas, Concordia, Madison, Richland, East Carroll, West Carroll, Morehouse, Vernon, Rapides, Avoyeles, Winn, Caddo, Ouachita, Union, Lincoln, Jackson, Claiborne, Bienville, Webster, and Bossier Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141726 (Sub-No. 3), filed March 11, 1976. Applicant: NATIONAL DISTRIBUTORS, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, 3426 N. Washington Blvd. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale food business houses or institutional suppliers (except in bulk), from points in San Joaquin, Stanislaus, and Santa Clara Counties, Calif., to points in the United States on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to the transportation of shipments under a continuing contract or contracts with Nugget Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 141780 (Sub-No. 1), filed March 1, 1976. Applicant: DARRELL R. ENSOR, doing business as DARRELL R. ENSOR TRANSFER, Box 480, Route 5 Highland Drive, Mt. Sterling, Ky 40353. Applicant's representative: James S. Wilson, 226 Main Street, P.O. Box 151, Paris, Ky. 40361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* and *pick-up trucks*, between points in Indiana, Michigan, and Ohio, on the one hand, and, on the other, points in Montgomery County, Ky.; and rejected items on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Mt. Sterling, Paris, Lexington, or Frankfort, Ky.

No. MC 141796, filed February 9, 1976. Applicant: HAUGEN TRANSIT, INC., Route 2A, Madelia, Minn. 56062. Applicant's representative: James H. Malecki, One South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean protein*, a by-product of soybean crushing or processing (except liquid commodities in bulk in tank vehicles), from the plantsite of Honeymead Products Company, Division of Farmers Union Grain Terminal Association at or near Mankato, Minn., to points in Wisconsin, points in that part of Iowa on and north of Interstate Highway 80 (except Plymouth and Woodbury Counties), and points in that part of South Dakota on and east of U.S. Highway 83, restricted against shipments in foreign commerce to or from ports of entry on the International Boundary line between the United States and Canada, and further restricted under a continuing contract or contracts with Honeymead Products Co., Division of Farmers Union Grain Terminal Association.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mankato, or Twin Cities of Minneapolis-St. Paul, Minn.

No. MC 141846, filed March 9, 1976. Applicant: WESTERN AUTO CARRIERS CORPORATION, 1950 East Street, Concord, Calif. 94520. Applicant's representative: Murray R. Zwicker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, pickup trucks and vans* in truckaway service, between points in California, Idaho, Nevada, Oregon, Washington, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, or Sacramento, Calif., or Seattle, Wash.

No. MC 141852, filed March 10, 1976. Applicant: BILLY G. BARNETT AND JOE D. BARNETT, doing business as BARNETT BROS., 442 Pemberton Drive, Pearl, Miss. 39208. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, from Vicksburg, Miss., to Mendenhall, Miss., restricted to shipments

which have had prior movement by other carriers, under a continuing contract or contracts with Universal Manufacturing Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 141856 filed February 17, 1976. Applicant: FRANK E. ALMAS doing business as ALMAS TRUCKING, 2308 Harvard Street, Sacramento, Calif. Applicant's representative: Frank E. Almas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, drugs, chemicals, non-flammable compressed gas, liquid cleaning compounds, brushes, and bundles of wooden broom handles*, (except in bulk in tank vehicles) between Sacramento, Calif., on the one hand, and, on the other, points in Alameda, Amador, Butte, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, Kings, Madera, Marin, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehema, Tulare, Yolo, and Yuba Counties, Calif., under continuing contract or contracts with the Fuller Brush Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 141870, filed March 15, 1976. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Walk-in coolers, cooling machines, and parts and accessories therefor*, from Montgomery, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 210), filed March 8, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Dayton, Ohio and the junction of Interstate Highway 75 and Interstate Highway 275 north of Cincinnati, Ohio serving no intermediate points, but serving the junction of Interstate Highway 75 and Ohio Highway 122 for the purpose of joinder only: From Dayton, Ohio over Interstate Highway 75 to its junction with Interstate Highway 275 and return over the same route; (2) between the junction of Ohio Highway 122 and Interstate Highway 75 and Middletown, Ohio serving all intermediate points: From the junction of Ohio Highway 122 and Interstate Highway 75 over Ohio Highway 122 to Middletown, Ohio and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati or Dayton, Ohio.

No. MC 10302, (Sub-No. 8), (Amendment), filed February 5, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as amended this issue. Applicant: THE CHIEPPO BUS COMPANY, a Corporation, 192 Forbes Avenue, New Haven, Conn. 06512. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at New Haven, Hartford and Danbury, Conn. and extending to the site of the New Jersey Sports and Exposition Authority, at or near East Rutherford, N.J.

NOTE.—The purpose of this republication is to include Hartford and Danbury, Conn. in the territorial description. If a hearing is deemed necessary, the applicant requests it be held at New Haven, Conn.

No. MC 73742 (Sub-No. 2), filed March 9, 1976. Applicant: WINN BUS LINES, INC., 909 N. 17th Street, Richmond, Va. 23219. Applicant's representative: Beverley H. Randolph, Jr., 701 Heritage Building, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Hanover, Henrico, New Kent, Charles City, Prince George, Chesterfield, Powhatan, Goochland, King William, and Louisa, Counties, Va., including Richmond, Petersburg, Colonial Heights and Hopewell, Va., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 118848 (Sub-No. 21), filed March 1, 1976. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Box 47, Bayonne, N.J. 07002. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Passengers and their baggage*, (A) between Jersey City, N.J., and Asbury Park, N.J.: From junction of 5th Street and Kennedy Boulevard, Jersey City, N.J. over Kennedy Boulevard to Bayonne, N.J., thence over the Bayonne Bridge to the Borough of Staten Island, N.Y., thence over city streets to the Outerbridge Crossing, Borough of Staten Island, N.Y., thence over the Outerbridge Crossing to junction New Jersey Highway 440, at or near Perth Amboy, N.J., thence over New Jersey Highway 440 to junction New Jersey Highway 35, thence over New Jersey Highway 35 to junction New Jersey Highway 71, at or near Eatontown, N.J., thence over New Jersey Highway 71 to Asbury Park, N.J., (also from junction New Jersey Highways 35 and 71, at or near Eatontown, N.J., thence over New Jersey Highway 35 to junction Asbury Avenue Ocean Township, N.J., thence over Asbury Avenue to Asbury, N.J.) and return over the same route, serving only intermediate points in New Jersey, and restricted to the transportation of passengers between Jersey City, N.J., or Bayonne, N.J., on the one hand, and, on the other, points in New Jersey south of the Outerbridge Crossing; and (B) between Perth Amboy, N.J., and Asbury Park, N.J.: From Perth Amboy, N.J., over New Jersey Highway 440 and access roads to the Garden State Parkway Interchange No. 127, thence over the Garden State Parkway to Interchange No. 102, thence over access roads to Asbury Avenue, thence over Asbury Avenue to Asbury Park, N.J., as an alternate route for operating convenience only, in connection with the authority sought in (A) above, serving no intermediate points, except for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bayonne, N.J.

No. MC 141553 (Sub-No. 2), filed March 8, 1976. Applicant: LEO SORIERO, doing business as BELLE COMPANY(65 Hovey Avenue, Trenton, N.J. 08610. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, who are employees of Penn Central Transportation Company, in motor vehicles with a seating capacity of no more than nine passengers, excluding the driver, between the facilities of Penn Central Transportation Company at or near Morrisville, Pa., the rail facilities of U.S. Steel Corporation located at or near Fairless, Pa., and Britol, Pa., on the one hand, and, on the other, Trenton, N.J., and the facilities of Penn Central Transportation Company at or near Bordentown and Burlington, N.J., under a continuing contract, or contracts with Penn Central Transportation Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 141634 (Amendment), filed December 17, 1975, published in the FEDERAL REGISTER issue of February 5, 1976, and republished as amended this issue. Applicant: TROLLEY TOURS, INC., 145 Segsbury Road, Williamsville, N.Y. 14221. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, in round-trip sightseeing and pleasure tours, between points in New York, Ohio and Pennsylvania.

NOTE.—The purpose of this republication is to clarify the proposed services by removing the vehicle description and restriction from consideration as an issue in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

WATER CARRIER APPLICATION

No. W–1301 (Correction), filed January 19, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as corrected this issue. Applicant: OMER H. DRURY AND CHARLES O. DRURY, a Partnership, Box 248, Troy, Idaho 83871. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier*, by water in the transportation of *individual passengers and groups of passengers, and their baggage, and incidental food and camping equipment*, by self-propelled pontoon float vessels, in excursion cruises, between ports and points on the Snake River, from Hells Canyon Dam, Idaho on the Snake River to Buffalo Eddy Public Access, Wash., approximately 6 miles below the mouth of the Grand Ronde River.

NOTE.—The purpose of this republication is to correct the territorial description in the above proceeding. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of 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. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

MOTOR CARRIER PASSENGER

No. MC–F–12794. Authority sought for purchase by STARR TRANSIT CO., INC., 2531 East State Street Extension, Trenton, N.J., 08604, of the operating rights and properties of BLUE BUS LINES, 2531 East State Street Extension, Trenton, N.J., 08604, and for acquisition by SHIRLEY S. SUSSMAN, JAMES F. FITZPATRICK and ALAN K. GLICKMAN all of 2531 E. State Street, Ext., Trenton, N.J., 08604, of control of such rights and properties through the purchase. Applicants' attorney: David Dembe, 744 Broad Street, Newark, N.J., 07102. Operating rights sought to be transferred: *Passengers and their baggage, and mail in the same vehicle with passengers*, as a *common carrier* over regular routes between Doylestown, Pa., and Trenton, N.J., serving all intermediate points except Yardley, Pa., and points between Yardley and Trenton; *passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers*, between Trenton, N.J., and New Hope, Pa., serving all intermediate points except that service to those in Pennsylvania is restricted to traffic originating at, or destined to, points outside of Pennsylvania; Passengers and their baggage, in the same vehicle with passengers, between Trenton, N.J., and Yardley, Pa., serving all intermediate points, between junction South Pennsylvania Avenue and Tyburn Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa., serving all intermediate points, between junction Pennsylvania Avenue and Philadelphia Avenue, in Morrisville, Pa., and junction Ford Mill Road and Tyburn Road, in Falls Township, Pa., serving all intermediate points, restricted against the transportation of passengers between points on U.S. Highway 13 in Falls Township, Pa., on the one hand, and, on the other, Trenton, N.J.; between junction Ford Mill Road and Lower Penn Valley Road, in Falls Township, Pa., and the site of the United States Steel Company plant in Falls Township, Pa., serving all intermediate points; between junction Pennsylvania Highway 732 and Arborlea Avenue, in Lower Makefield Township, Pa., and junction Pennsylvania Highway 732 and Makefield Road, serving all intermediate points; between junction Pennsylvania Highway 732 and Afton Avenue, in Yardley, Pa., and junction Upper River Road and Pennsylvania Highway 732, serving all intermediate points; between Morrisville, Pa., and Lower Makefield, Pa, serving all intermediate points; between Morrisville, Pa., and Falls Township, Pa., serving all intermediate points; *passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, between Stockton, N.J., and Philadelphia, Pa., serving all intermediate points, with restrictions. *Passengers and their baggage*, restricted to traffic originating at the point indicated, in charter operations, as a *common carrier* over irregular routes from New York, N.Y., to Savin Rock and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Vendee is authorized to operate as a *contract carrier* in New Jersey, New York, Pennsylvania and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12798. Authority sought for control by B. J. McADAMS, INC., Route 6—Box 15, North Little Rock, Arkansas, 72118, of McCORMICK'S HIGHWAY TRANSPORTATION, INC., Route 3 Box 4, Campbell Road, Schenectady, N.Y., 12306, and for acquisition by B. J. McADAMS, 2909 Justin Matthews Drive, North Little Rock, Arkansas, 72118, of control of McCORMICK'S HIGHWAY TRANSPORTATION, INC., through the acquisition by B. J. McADAMS, INC. Applicants' attorney: Eugene D. Anderson, 910 17th Street N.W., Washington, D.C., 20004. Operating rights sought to be controlled: (1)(a) *Self-propelled electric tractors and* (b) *parts, attachments, and accessories for self-propelled electric tractors*, as a *common carrier* over irregular routes from Scotia, N.Y., to points in Connecticut, Illinois, Maryland, Indiana, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Maine, New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, Wisconsin, and the District of Columbia; and (2)(a) *Self-propelled electric tractors*, (b) *parts, attachments, and accessories* for self-propelled electric tractors, and (c) *materials and supplies* used in the manufacture and distribution of the commodities named in (1)(a) and (b) and (2)(a) and (b) herein, from points in the destination territory named in (1)(a) and (1)(b) above to Scotia, N.Y., with restrictions; *electrical equipment and parts*, between Schnectady, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconson, between Schenectady, N.Y., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and the District of Columbia.

Household goods, between Schenectady, N.Y., and points within 35 miles thereof, on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Ohio, and the District of Columbia; *radioactive material*, new and spent, and *associated material equipment* used in the development and operation of Reactor Power Plants, (except commodities in bulk or in tank vehicles, and commodities, the transportation of which, because of size or weight requires the use of special equipment), between Niskayuna (Schenectady County), N.Y., and Milton (Saratoga County), N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; *radioactive source, special nuclear and by-products materials, radioactive material shipping containers* nuclear reactor component parts and related equipment, (except commodities which by reason of size or weight require the use of special equipment), between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware,

Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Virginia, Vermont, West Virginia, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and the District of Columbia; *radioactive material*, new and spent, *radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts*, and *equipment* used in the operation and maintenance of nuclear reactors except commodities which by reason of size or weight require the use of special equipment, between points in New York.

(1) *Radioactive waste material* (except in bulk, in tank vehicles) from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the disposal facilities of Nuclear Engineering Company, Inc., Fleming County, Ky., and the disposal facilities of Chem-Nuclear Systems, Inc., in Red Oak Township, Barnwell County, S.C.; and (2) *Empty radioactive material shipping containers*, from the destination points described in (1) above, to points in the origin territory specified in (1) above; to points in the origin territory specified in (1) above; *electrical equipment and parts*, from Boston, Mass., to points in Mississippi, with no transportation for compensation on return except as otherwise authorized; (2) *radioactive material, new and spent, radioactive source, special nuclear and by-products materials, radioactive material shipping containers, nuclear reactor component parts*, and *equipment* used in the operation and maintenance of nuclear reactors (except commodities which by reason of size or weight require the use of special equipment), from points in New Jersey to points in South Carolina, with no transportation for compensation on return except as otherwise authorized B. J. McADAMS, INC., is authorized to operate as a common carrier in all the States in the United States including the District of Columbia (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12802. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, GA., 30316, of the operating rights of GOGUEN TRANSPORTATION CO., INC., 100 Baker Street, Gardner, MA., and for acquisition by AMERICAN COMMERCIAL LINES, INC., 2919 Allen Pkwy., Houston, TX., 77019, and TEXAS GAS TRANSMISSION CORP., 3800 Frederica St., Owensboro, Ky., 42301, of control of such rights through the purchase. Applicants' attorneys: Harold H. Clokey, 1740 The Equitable Bldg., Atlanta, GA., 30303, and E. Phillips Malone, P.O. Box 1160, Owensboro, KY., 42301. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121047 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 22229 (Sub-No. 108) is a directly related matter.

No. MC-F-12803. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA., 23224, of the operating rights of KING FAST FREIGHT, P.O. Box 1116, Pulaski, VA., 24301, and for acquisition by J. HARWOOD COCHRANE, also of Richmond, VA., 23224, of control of such rights through the purchase. Applicants' attorney: Eugene T. Liipfert, 1660 L Street, N.W., Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over W. Va., on the one hand, and, on the other, points in Virginia and West Virginia within 50 miles of Peterstown; between points in Monroe County, W. Va., except Peterstown, W. Va., on the one hand, and, on the other, points in that part of Virginia and West Virginia within 50 miles of Monroe County, W. Va. Vendee is authorized to operate as a *common carrier* in Alabama, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12804. Authority sought to lease by TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK., 74107, of the operating rights of McCORMACK AND D. L. McCORMACK, d.b.a. McCORMACK TRUCK LINES, 2608 Eagle Lane, Oklahoma City, OK., 73107, and for acquisition by PAUL THOMAS INMAN, also of Tulsa, Ok., 74107, of control of such rights through the lease. Applicants' attorney: Martin J. Rosen, 256 Montgomery st., San Francisco, CA., 94104. Operating rights sought to be leased: *Canned goods*, as a *common carrier* over irregular routes from points in California to Oklahoma City, Okla., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio., Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

No. MC-89723 (Deviation No. 34), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed March 26, 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 Garnett, Kans., over U.S. Highway 169 to junction U.S. Highway 166, thence over U.S. Highway 166 to Coffeyville, Kans., 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 Garnett, Kans., over U.S. Highway 169 to junction unnumbered highway near Mont Ida, Kans, thence over unnumbered highway via Mont Ida, Westphalia and Aliceville, Kans., to junction Kansas Highway 57, thence over Kansas Highway 57 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction unnumbered highway near Buffalo, Kans., thence over unnumbered highway to junction Kansas Highway 39 near Benedict, Kans., thence over Kansas Highway 39 to junction Kansas Highway 47, thence over Kansas Highway 47 to junction unnumbered highway near Altoona, Kans., thence over unnumbered highway via Buffville, Kans., to junction U.S. Highway 75, thence over U.S. Highway 75 to junction unnumbered highway near Jefferson, Kans., thence over unnumbered highway to junction U.S. Highway 166, thence over U.S. Highway 166 to Coffeyville, Kans., and return over the same route.

No. MC 89723 (Deviation No. 34), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103 filed March 26, 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 Garnett, Kans., over U.S. Highway 169 to junction U.S. Highway 166, thence over U.S. Highway 166 to Coffeyville, Kans., 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 Garnett, Kans., over U.S. Highway 169 to junction unnumbered highway near Mont Ida, Kans., thence over unnumbered highway via Mont Ida, Westphalia and Aliceville, Kans., to junction Kansas Highway 57, thence over Kansas Highway 57 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction unnumbered highway near Buffalo, Kans., thence over unnumbered highway to junction Kansas Highway 39 near Benedict, Kans., thence over Kansas Highway 39 to junction Kansas Highway 47, thence over Kansas Highway 47 to junction unnumbered highway near Altoona, Kans., thence over unnumbered highway via Buffville, Kans., to junction U.S. Highway 75, thence over U.S. Highway 75 to junction unnumbered highway near Jefferson, Kans., thence over unnumbered highway to junction U.S. Highway 166, thence over U.S. Highway to Coffeyville, Kans., and return over the same route.

No. MC 99798 (Deviation No. 1), DODDS TRUCK LINE, INC., 623 Lincoln, P.O. Box 438, W. Plains, Mo. 65775, filed March 17, 1976. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 71 Bypass, thence over U.S. Highway 71 Bypass to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to Hoxie, Ark., 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 Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 71 Bypass, thence over U.S. Highway 71 Bypass to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 160, thence over U.S. Highway 160 to Poplar Bluff, Mo., thence over U.S. Highway 67 to Hoxie, Ark., and return over the same route.

No. MC 99798 (Deviation No. 2), DODDS TRUCK LINE, INC., 623 Lincoln, P.O. Box 438, W. Plains, Mo. 65775, filed March 17, 1976. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From West Plains, Mo., over U.S. Highway 63 to Imboden, Ark., thence over U.S. Highway 62 to Pocahontas, Ark., thence over U.S. Highway 67 to Corning, Ark., 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 West Plains, Mo., over U.S. Highway 160 to junction U.S. Highway 67, thence over U.S. Highway 67 to Corning, Ark., and return over the same route.

No. MC 99798 (Deviation No. 3), DODDS TRUCK LINE, INC., 623 Lincoln, P.O. Box 438, W. Plains, Mo. 65775, filed March 17, 1976. Carrier's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 71 Bypass, thence over U.S. Highway 71 Bypass to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to Hoxie, Ark., thence over U.S. Highway 67 to Walnut Ridge, Ark., 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 Kansas City, Mo., over U.S. Highway 50 to junction U.S. Highway 71 Bypass, thence over U.S. Highway 71 Bypass to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 160, thence over U.S. Highway 160 to Poplar Bluff, Mo., thence over U.S. Highway 67 to Walnut Ridge, Ark., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application 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. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), 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, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 53610 (Partial correction) filed March 4, 1976 published in the FEDERAL REGISTER March 25, 1976, and republished as corrected this issue. Applicant: FRESNO BASS LAKE FREIGHT LINES, INC., 53 "L" Street, Fresno, Calif. 93721. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, Calif. 94104.

NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph VI(5) to read: Commodities when transported in motor vehicles equipped for mechanical mixing in transit, and in paragraph VI(6) to read: Logs; and in paragraph VI(7) to read: Trailer coaches and campers, includng integral parts and contents when the contents are within the trailer coach or camper. The rest remains the same. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760200-CCT, filed March 18, 1976. Applicant: AGUSTIN BLANCO TRANSFER, INC., Building 2134, Miami International Airport, Miami, Fla. 33159. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except articles which because of size or weight require special handling and special equipment, Classes A and B explosives, commodities requiring refrigeration, household goods, livestock, and commodities in bulk), to, from, and between all points and places in Dade County, Fla. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

Indiana Docket No. 6405-A, 4, filed January 9, 1976. Applicant: SCHNEPPER TRUCK LINE, INC., 1900 Kentucky Avenue, Evansville, Ind. 47717. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Property* (except commodities in bulk, in dump or tank vehicles), serving points in Posey County, Ind., as off route points in connection with applicant's existing regular route authority, via all convenient county and state highways. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for Monday May 17, 1976 at 9:30 a.m. e.s.t., Room 903 State Office Building, Indianaplis, Ind. Requests for procedural information should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204 and should *not* be directed to the Interstate Commerce Commission.

Michigan Docket No. L–15845, filed March 22, 1976. Applicant: LAKESHORE WAREHOUSE, INC., 700 East Atwater, Detroit, Mich. 48226. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Certificate of Public Convenience and Necessity sought to operate a freight service as a common restricted carrier as follows: Transportation of *property* over irregular routes, transporting *Corn syrup and blends* thereof, in bulk, in tank vehicles, from Detroit, Mich., to points in the Lower Peninsula of Michigan located on and south of Michigan Highway 55. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for April 21, 1976, at 9:30 a.m., Suite 15, 1000 Long Commerce Park, Lansing, Mich. Requests for procedural information should be addressed to the Michigan Public Service Commission, Law Building, Fifth Floor, 525 West Ottawa Street, Lansing, Mich. 48913 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–10004 Filed 4–7–76;8:45 am]

[AB 118; Finance Docket No. 28038]

ALBANY PASSENGER TERMINAL COMPANY

Entire Line Abandonment in the City of Albany, Dougherty County, Georgia

APRIL 5, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Dougherty County, Ga., on or before April 19, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 29th day of March 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

ALBANY PASSENGER TERMINAL CO. AND CENTRAL OF GEORGIA RAILROAD CO. ENTIRE LINE ABANDONMENT—IN THE CITY OF ALBANY, DOUGHERTY COUNTY, GEORGIA; ACQUIRE AND OPERATE-ALBANY PASSENGER TERMINAL COMPANY IN THE CITY OF ALBANY, DOUGHERTY COUNTY, GEORGIA

The Interstate Commerce Commission hereby gives notice that by order dated March 29, 1976, it has been determined that the proposed abandonment by the Albany Passenger Terminal Company of its passenger terminal and line in Albany, Ga., and the proposed acquisition of a portion of that line by the Central of Georgia Railroad Company, if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that service will continue to be provided on the line by the applicant's co-owners and there will be no diversion of rail traffic. The Union Depot is to be acquired for conservation purposes by the Thronateeska Heritage Foundation. Plans for the depot property include external restoration and internal renovation for the adaptive use as a natural history and natural science museum.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 4, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76–10201 Filed 4–8–76;8:45 am]

[Notice No. 20]

ASSIGNMENT OF HEARINGS

APRIL 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 14252 (Sub 26), Commercial Motor Freight, Inc. now being assigned May 10, 1976 (1 week) at Columbus, Ohio in a hearing room to be later designated.

MC 107107 Sub 442, Alterman Transport Lines, Inc., now assigned April 14, 1976, at Washington, D.C., is canceled and application dismissed.

MC–F 12691, Commercial Motor Freight, Inc.—Control and Merger—Lovelace Truck Service, Inc., now being assigned May 27, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–10204 Filed 4–8–76;8:45 am]

[AB 6 (Sub-No. 34)]

BURLINGTON NORTHERN, INC.

Abandonment of Operation Between Eureka and Pleasant View in Walla Walla County, Washington

APRIL 5, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Walla Walla County, Wash., on or before April 19, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 29th day of March 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

BURLINGTON NORTHERN, INC.

ABANDONMENT OF OPERATION BETWEEN EUREKA AND PLEASANT VIEW IN WALLA WALLA COUNTY, WASHINGTON

The Interstate Commerce Commission hereby gives notice that by order dated March 29, 1976, it has been determined that the proposed abandonment by Burlington Northern Inc. of its railroad operations between Eureka and Pleasant View, Wash., a distance of 19.73 miles, if approved by the Commission, does

not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant ecological impacts resulting from the abandonment of the line, and that the highways in the area are capable of handling the small increase in truck traffic.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 4, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-10203 Filed 4-8-76;8:45 am]

[Ex Parte No. 241, Exemption No. 94]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

Upon further consideration of the aforementioned Exemptions, *it is ordered that:*

Effective at 12:01 a.m., April 1, 1976, Consolidated Rail Corporation (Con-Rail), reporting marks:

CNJ	NH
DL&W	NYC
EL	PC
ERIE	PRR
LV	RDG

is substituted for the following roads wherever they are named in any of the aforementioned Exemptions:

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee.
Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees.
Lehigh Valley Railroad Company, (Robert C. Haldeman, Trustee).
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.
Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees.

Issued at Washington, D.C. March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-10200 Filed 4-8-76;8:45 am]

[Ex Parte No. 241, Exemption Nos. 109, 110]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

Upon further consideration of the aforementioned Exemptions, it is ordered, That:

Effective at 12:01 a.m., April 1, 1976, Consolidated Rail Corporation (Con-Rail), reporting marks:

CNJ	NH
DL&W	NYC
EL	PC
ERIE	PRR
LV	RDG

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Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.
Reading Company, Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees.

Issued at Washington, D.C. March 29, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-10202 Filed 4-8-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 5, 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 within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43143—*Electrodes and Related Articles from Memphis, Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-595), for interested rail carriers. Rates on electrodes, carbon furnace or electrolytic bath (carbon plugs), NOIBN; green electrode mix, loose or in packages, in carloads, as described in the application, from Memphis, Tennessee, to Korf, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 166 to Southwestern Freight Bureau, Agent, tariff 2-H, I.C.C. No. 5102. Rates are published to become effective on May 3, 1976.

FSA No. 43144—*Carbolic Acid from Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-597), for interested rail carriers. Rates on acid, carbolic (phenol), in tank-car loads, as described in the application, from specified points in Texas, to Newark and South Bend Brook, N.J.

Grounds for relief—Water and Market competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10205 Filed 4-8-76;8:45 am]

[Ex Parte No. MC-64]

GENERAL TEMPORARY ORDER NO. 9-A SECTION 210a(a)

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C. on April 5, 1976.

Upon consideration of the record, and of the resumption of normal motor carrier transportation:

It is ordered, That General Temporary Order No. 9, entered herein on March 31, 1976, be, and it is hereby, vacated and set aside.

And it is further ordered, That notice of this order shall be given to motor carries, other parties of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-10207 Filed 4-8-76;8:45 am]

[Notice No. 44]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 1976.

Important Notice: The following are notices of filing of application for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field officials named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89782 (Sub-No. 12TA), filed March 24, 1976. Applicant: STORDAHL TRUCK LINES, INC., P.O. Box 658, Thief River Falls, Minn. 56701. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. 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; (1) between ports of entry on the International Boundary line between the United States and Canada, at or near Noyes, Minn., and Pembina, N. Dak., serving Noyes, Minn., and Pembina, N. Dak., for purposes of interlining only, and serving the junctions of (a) U.S. Highway 75 and Minnesota Highway 171, and (b) North Dakota Highway 59 and Interstate Highway 29, for purposes of joinder only, from the International port of entry at or near Noyes, over U.S. Highway 75 to junction Minnesota Highway 171, thence over Minnesota Highway 171 to the Minnesota-North Dakota State line, thence over North Dakota Highway 59 to Interstate Highway 29, thence over Interstate Highway 29 to the International port of entry at or near Pembina, and return over the same route, serving no intermediate points; (2) between St. Paul, Minn., and junction U.S. Highway 75 and Minnesota Highway 171, serving the intermediate points of Warren and Hallock, Minn., and junction U.S. Highway 75 and Minnesota Highway 171, for purposes of joinder only, from St. Paul over city streets to junction Interstate Highway 94 and Minnesota Highway 280, thence over Minnesota Highway 280 to junction Minnesota Highway 36, thence over Minnesota Highway 36 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 10, thence over U.S. Highway 10 to junction Minnesota Highway 23, thence over Minnesota Highway 23 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Minnesota Highway 71, and return over the same route.

(3) Between Oslo, Minn., and junction N. Dak., Highway 59 and Interstate Highway 29, serving the junctions of (a) North Dakota Highway 5 and Interstate Highway 29, and (b) North Dakota Highway 59 and Interstate Highway 29, for purposes of joinder only, from Oslo over Minnesota Highway 1 to the Minnesota-North Dakota State line, thence over North Dakota Highway 54 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction North Dakota Highway 59, and return over the same route, serving no intermediate points; and (4) between junction U.S. Highway 59 and Minnesota Highway 175 and junction North Dakota Highway 5 and Interstate Highway 29, serving the intermediate point of Hallock, Minn., for the purposes of joinder only, from junction U.S. Highway 59 and Minnesota Highway 175 over Minnesota Highway 175 to the Minnesota-North Dakota State line, thence over North Dakota Highway 5 to junction Interstate Highway 29, and return over the same route. Applicant intends to tack its existing authority with MC–89872 at Minneapolis, St. Paul and Thief River Falls, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: None. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 106674 (Sub-No. 189TA), filed March 26, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. 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: *Agricultural* limestone and gypsum, from Irvington, Ky., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Pelletizing Corporation, P.O. Box 446, Dayton, Ohio 45459. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 1020TA), filed March 25, 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: *Latex*, in bulk, in tank vehicles, from Chemolite, Minn., to Freeport, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minnesota Mining and Manufacturing Company, 3 M Center, St. Paul, Minn. 55101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109294 (Sub-No. 23TA), filed March 26, 1976. Applicant: COMMERCIAL TRUCK CO. LTD., 90 Leeder Ave., P.O. Box 1219, Coquitlam, British Columbia, Canada. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper overlay*, from Aberdeen, Wash., to United States-Canada International Boundary, at or near Blaine, Lynden or Sumas, Wash., shipments are destined for Savona and Vancouver, British Columbia, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Evans Products Company Limited, 1155 West Georgia St., Vancouver, B.C., Canada. Send protests to: L. C. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 110525 (Sub-No. 1152TA), filed March 25, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from the plantsites of The Ironsides Company, located at Columbus, Ohio, to points in Illinois (except East St. Louis, Ill., Commercial Zone), Indiana, Wisconsin, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia; and (2) *Ingredients and raw materials*, namely: (a) *Chemicals*, in bulk, in tank vehicles, from Itasca and McCook, Ill.; Buffalo, N.Y.; and Weehawken, N.J.; (b) *Petroleum* (refined oil), in bulk, in tank vehicles, from Bradford, Marcus Hook, Franklin and Petrolia, Pa.; and (c) *Animal grease*, in bulk, in tank vehicles, from Cicero and Chicago, Ill.; Fort Wayne, Hammond, Jeffersonville and Plymouth, Ind.; Coldwater, Mich.; Bainbridge and Philadelphia, Pa.; Cudahy and Madison, Wis., to the plantsites of The Ironsides Company, located at Columbus, Ohio, for 180 days. Supporting shipper: The Ironsides Company, 270 West Mound St., Columbus, Ohio 43215. Send protests to: Minica A. Blodgeet, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 627TA), filed March 26, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable chemical metal-brightening agent*, not to exceed 50 pounds per package or article, from one consignor to one consignee on any one day; (a) from Sandusky, Ohio, to points in Indiana, Kentucky, Michigan, and Pennsylvania; (b) from Secaucus, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, and Rhode Island; (c) from Charlotte, N.C., to points in North Carolina, South Carolina, Virginia and West Virginia; (d) from Chicago, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin; and (e) from Memphis, Tenn., to

points in Missouri and Tennessee. The transportation in Parts (b) through (e) of the territorial description above is restricted to an immediately prior out of state movement, for 180 days. Supporting shipper: Vulcan Materials Company, P.O. Box 720, Sandusky, Ohio. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 628TA), filed March 26, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media*, between Martinsville, Va., on the one hand, and, on the other, Kings Mountain, Rockingham, and Roxboro, N.C., for 180 days. Supporting shipper: Tultex Corporation (formerly Tully Corporation of Virginia), Box 5191, Martinsville, Va. 24112. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112822 (Sub-No. 401TA), filed March 24, 1976. Applicant: BRAY LINES, INCORPORATED, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Arthur R. Hauver, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. 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 hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Ohio, South Dakota, Texas, and Wisconsin, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 115841 (Sub-No. 517TA), filed March 26, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). 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 Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Maverick Beef Packers, Inc., at or near Eagle Pass, Tex., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, South Carolina, North Carolina, Virginia, Kentucky, Illinois, Indiana, Ohio, West Virginia, Maryland, Pennsylvania, Delaware, Rhode Island, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Michigan, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Texas, Colorado, Utah, Nevada, Arizona, California and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Maverick Beef Packers, Inc., P.O. Box 617, Eagle Pass, Tex. 78852. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 116282 (Sub-No. 30TA), filed March 26, 1976. Applicant: NEIL's BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad St., Auburn, Maine 04210. Applicant's representative: Onile P. Francoeur (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Auburn, Maine, to points in Pennsylvania, restricted to service performed under a continuing contract with F. R. LePage Bakery, Inc., of Auburn, Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F. R. LePage Bakery, Inc., 60 Second St., Auburn, Maine 04210. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Oreg. 04111.

No. MC 118159 (Sub-No. 169TA), filed March 25, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Stone County, Miss., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Texas, Arkansas, Louisiana, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina and California; and (2) *Materials and supplies* used in the manufacture of paper and paper products, from points in the destination states named in (1) above to points in Stone County, Miss., for 180 days. Supporting shipper: Dunn Paper Company, 218 Riverview St., Port Huron, Mich. 48060. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 119118 (Sub-No. 48TA), filed March 26, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Lawrence C. Maston (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and used empty malt beverage containers in the reverse direction, from Winston-Salem, N.C., to points in Alabama, Georgia, South Carolina, and Johnson City and Memphis, Tenn., for 180 days. Supporting shipper: The Joseph Schlitz Brewing Company, 235 W. Galena, Milwaukee, Wis. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 124328 (Sub-No. 93TA), filed March 26, 1976. Applicant: BRINK'S, INCORPORATED, 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., 15th & H Streets, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Laredo, Tex., to Newark, N.J.; New York, N.Y.; Rochester, N.Y.; and Providence, R.I., under a continuing contract with Minera Mexico International Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minera Mexico International Inc., Bruno Pagliai, Manager, 800 Third Ave., New York, N.Y. 10022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124328 (Sub-No. 94TA), filed March 26, 1976. Applicant: BRINK'S, INCORPORATED, 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hara Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Revenue stamps* (tobacco and liquor), between Carol Stream, Ill., and points in Alabama, Arizona, California, Colorado, the District of Columbia, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming, under a continuing contract with The Meyercord Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Meyercord Company, E. Lord, Traffic Manager, 365 E. North Ave., Carol Stream, Ill. 60187. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKin-

ley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126717 (Sub-No. 8TA), filed March 25, 1976. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin St., Evansville, Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling equipment*, in drive-away service, in initial movements, from Gainesville and Alachua, Fla., to points in the United States, including Alaska (except Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Driltech, Inc., P.O. Box 83, Gainesville, Fla. 32602. Simmons Machinery Co., Graysville, Ala. Rocky Mountain Machinery Co., 41 North Redwood Road, Salt Lake City, Utah 84125. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 134467 (Sub-No. 13TA), filed March 26, 1976. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk) *and filters*, from the plantsite and storage facilities utilized by Quaker State Oil Refining Corporation, at or near St. Marys, W. Va., to points in Arkansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quaker State Oil Refining Corporation, Box 989, Oil City, Pa. 16301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134672 (Sub-No. 2TA), filed March 26, 1976. Applicant: E. N. SCULLY, S. H. SCULLY, L. A. SCULLY AND R. J. SCULLY, doing business as VALENCIA TRUCKING, 25555 Avenue Stanford, Valencia, Calif. Applicant's representative: William Davidson, 2455 E. 27th St., Vernon, Calif. 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and household goods), between Los Angeles, Calif., on the one hand, and, Palmdale, Edwards, Edwards Air Force Base, Mojave, Boron, and Lancaster; and Rosamond, Calif. Applicant intends to tack its existing authority with MC 134672 (Sub-No. 1). Applicant also intends to interline at Los Angeles, Calif., for 180 days. Supporting shipper: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 135069 (Sub-No. 2TA), filed March 26, 1976. Applicant: ROCKAWAY TRUCKING, INC., Route 46, Rockaway, N.J. 07866. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorodifluoromethane, monochlorodifluoromethane and trichloromonofluoromethane*, in containers, from Wichita, Kans., to points in Florida, Arkansas, North Carolina, Tennessee, South Carolina, Alabama, Georgia, Mississippi, Missouri, Kentucky, and Louisiana, under a continuing contract with Racon, Incorporated, for 180 days. Supporting shipper: Racon, Incorporated, 6040 South Ridge Road, Wichita, Kans. 67201. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 136008 (Sub-No. 71TA), filed March 24, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (in bulk, dump vehicles), (1) from Lake Charles, La., to the facilities of Farm Guard Products Co., at Cuba and Albuquerque, N. Mex.; and (2) from Kansas City and Lawrence, Kans., and Port of Catoosa and Pryor, Okla., to the facilities of Farm Guard Products Co., at Cuba and Albuquerque, N. Mex., and to points in New Mexico for 180 days. Supporting shipper: Farm Guard Products Co., 5555 Montgomery, NE., Suite 13, Albuquerque, N. Mex. 87109. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 136916 (Sub-No. 14TA), filed March 25, 1976. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cemdust blend*, in bulk, in tank vehicles, from Sparta, N.J., to points in Connecticut, New York and Pennsylvania, for 180 days. Supporting shipper: Cemdust, Box 154, Waldwick, N.J. 07463. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 138469 (Sub-No. 23TA), filed March 24, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, Oklahoma City, Okla. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. 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 Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Texas, Washington, and Wisconsin, restricted to the transportation of traffic originating at the named origin and destined to the named destination points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

No. MC 139091 (Sub-No. 14TA), filed March 25, 1976. Applicant: LOGAN MOTOR LINES, INC., 2829 Mays St., P.O. Box 4265 CDU, Amarillo, Tex. 79105. Applicant's repersentative: Gailyn Larsen, P.O. Box Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract 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, from the plantsite of Swift Fresh Meats Co., at or near Cactus (Moore County), Tex.; to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Swift Fresh Meats Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Fresh Meats Company, A Division of Swift & Company, 115 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Box-H Herring Plaza, Amarillo, Tex. 79101.

No. MC 139113 (Sub-No. 5TA), filed March 26, 1976. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn, garden and recreation equipment*, from the facilities of Carter Brothers Manufacturing Company, Inc., located approximately four miles south of Brundidge, Ala., to points in the

United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, and Vermont), (2) *Materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of lawn, garden and recreation equipment, from points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas (except points in Maine, New Hampshire, and Vermont), to the facilities of Carter Brothers Manufacturing Company, Inc., located approximately four miles south of Brundidge, Ala. Restriction: Restricted to the transportation of traffic under a continuing contract or contracts with Carter Brothers Manufacturing Company, Inc., and further restricted to the transportation of shipments orginating at or destined to the facilities of the named shipper, for 180 days. Supporting shipper: Carter Brothers Manufacturing Company, Inc., Route 1, Brundidge, Ala. 36010. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 140186 (Sub-No. 25TA), filed March 26, 1976. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Mont. 59801. Applicant's representative: Ben Robertson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Billings, Mont., to Los Angeles, City of Industry, Fresno, Oakland, San Francisco, Calif., and Las Vegas and Sparks, Nev., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bernard G. Lea, Plant Manager, Peavey Company, P.O. Box 30877, Billings, Mont. 59107. Send protests to: Paul J. Lebane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 141220 (Sub-No. 1TA), filed March 25, 1976. Applicant: MOYER TRUCK LINE, INC., 715 North Mullenix, Kirksville, Mo. 63501. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from the terminal of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Vernon, V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141699 (Sub-No. 1TA), filed March 25, 1976. Applicant: WORSLEY TRANSPORT, INC., North Norwood St., Wallace, N.C. 28466. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil, bunker oil, and LPG*, in bulk, in tank vehicles; (1) *Gasoline, fuel oil and bunker oil*, from Port of Wilmington, N.C., to Conway, Georgetown and Myrtle Beach, S.C.; and (2) *LPG*, from Cheraw, S.C., to Burgaw, Elizabethtown, and Wallace, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 141883 (Sub-No. 1TA), filed March 23. 1976. Applicant: NEWPORT TRUCKING, INC., 913 N.W. 34th Ave., Miami, Fla. 33178. Applicant's representative: Richard B. Austin, Suite 214, Palm Coast II Bldg., 5255 N.W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission; articles of unusual value or that are injurious or contaminating to other lading; articles in bulk and articles which, because of size or weight, require specialized handling and equipment), trailers and containers, with or without wheels, loaded or empty, between points in the City of Miami and its Commercial Zone. Restricted to traffic involving common or through arrangements, within the meaning of 49 U.S.C. 303(b)(8) and having an immediate prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: All Americas Forwarding Co., P.O. Box 480867, Miami, Fla. 33148. Sandra J. Osborne & Co., 700 N.E. 2nd Ave., Miami, Fla. 33152. Supreme Ocean Freight Corporation, P.O. Box 1, Miami International Airport, Miami, Fla. 33148. Harle Services, Inc., P.O. Box 480496, Miami, Fla. 33148. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 214TA), filed March 25, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, between Philadelphia, Pa., and the junction of U.S. Highway 13 and the Pennsylvania Turnpike at Interchange No. 29 serving all intermediate points; from Philadelphia, Pa., over Interstate Highway 95 to junction Pennsylvania Highway 413 access route, thence over Pennsylvania Highway 413 access route to Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Pennsylvania Turnpike at Interchange No. 29 and return over the same route. Applicant intends to tack its existing authority with MC 1515 Sub 155, MC 1501 Sub 92, and MC 1501 Sub 116, for 180 days. Supporting shipper: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 99143 (Sub-No. 6TA), filed March 26, 1976. Applicant: OHIO VALLEY CHARTER SERVICE, INC., R.D. No. 2, Calcutta, East Liverpool, Ohio 43920. Applicant's representative: James R. Allison, 25 E. Rebecca St., East Palestine, Ohio 44413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip, sight-seeing, and pleasure tours, beginning at the City of East Palestine, City of East Liverpool, the unincorporated Village of Calcutta, and the intersection of Ohio State Route 14 with Ohio State Route 7 in Columbiana County, Ohio, and extending to points in the United States including Alaska and return; and (2) *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations, in round trip, sight-seeing, and pleasure tours beginning at points in Belmont County, Ohio, and then extending to points in the United States including Alaska and return, for 90 days. Applicant intends to tack its existing authority with MC 99143 (Sub-No. 2). Supporting shippers: There are approximately 28 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-10209 Filed 4-8-76;8:45 am]

[Ex Parte No. 279]

SECURITIES REGULATIONS—PUBLIC OFFERINGS

APRIL 5, 1976.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 24th day of March, 1976.

It appearing, That by report and order of the Commission, dated August 6, 1974, 347 ICC 443, as last amended January 21, 1975, the Commission affirmed that, for the purpose of insuring adequate disclosure of information to the public, in connection with public offerings of securities issued by carriers subject to sections 20a and 214 of the Interstate Commerce Act, an offering circular should be required, except in certain specified cases, and Item 7 of the Commission's form OP–F 200 was amended to set forth required form and procedure in preparation of offering circular;

It further appearing, That Section 308 of the Railroad Revitalization and Regulatory Reform Act of 1976, enacted February 5, 1976, (Public Law 94–210) herein called 1976 Act, provides, among other things, for the removal of railroad securities, other than those evidencing an interest in a railroad equipment trust, from the exemption they previously had from the requirements of the Securities Act of 1933 effective the 60th day after the date of enactment of said 1976 Act, that thereafter such railroad securities shall be subject to the jurisdiction of this Commission under Section 20a of the Interstate Commerce Act and for public disclosure purposes to the jurisdiction of the Securities and Exchange Commission;

It further appearing, That in view of the foregoing developments, the Commission is reopening this proceeding on its own motion to align its regulations with the 1976 Act, that such modifications constitute procedural rule changes within the exception to section 553 of the Administrative Procedure Act; and that notice and hearing of the proposed modifications are therefore not required;

It is ordered, That the proceeding herein be, and it is hereby, reopened, and, for the aforesaid reasons, the regulations set forth in the said report and order of August 6, 1974, as heretofore modified, be, and they are hereby, further modified, to exclude from said regulations railroad securities, other than those evidencing an interest in a railroad equipment trust, *Provided, however*, That when any railroad files an application under Section 20a of the Interstate Commerce Act for authority to issue securities, other than those evidencing an interest in a railroad equipment trust, it shall file with this Commission all material filed with the Securities and Exchange Commission with respect to the proposed securities, and in the event it claims that the offer and sale of the securities to be issued are exempt from registration under the Securities Act of 1933, its opinion of counsel shall (a) include a statement to that effect, (b) indicate the section of the Securities Act of 1933, or rule thereunder, containing the claimed exemption from registration, and (c) state the facts relied upon to make the exemption available.

It is further ordered, That this order shall become effective on April 5, 1976;

It is further ordered, That except as herein modified, the report and order of August 6, 1974, as heretofore modified, in this proceeding, shall remain in full force and effect; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof 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.

By the Commission (Commissioner Corber not participating).

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action having a significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.76–10206 Filed 4–8–76;8:45 am]

federal register

THURSDAY, APRIL 8, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BILINGUAL EDUCATION

Proposed Regulations

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 123]

BILINGUAL EDUCATION

Proposed Regulations

Pursuant to the authority contained in the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 93–380 (20 U.S.C. 880b–880b–13), the Commissioner of Education and the Assistant Secretary of Education, with the approval of the Secretary of Health, Education, and Welfare, propose to amend Title 45, Part 123 of the Code of Federal Regulations to read as set forth below.

1. *Purpose of regulations.* The purpose of the proposed regulations is to implement fully the amendments to the Bilingual Education Act made by Pub. L. 93–380, enacted August 21, 1974 (88 Stat. 484). Certain of the amendments made by Pub. L. 93–380 were effective on the date that statute was enacted, while others became effective on July 1, 1975 (see section 105(a)(2)(A) of Pub. L. 93–380). Consequently, interim amendments to the program regulations were promulgated for fiscal year 1975 (40 FR 26514, June 24, 1975), and the statutory amendments which took effect on July 1, 1975 are not yet reflected in the regulations. The proposed regulations set forth below would implement the July 1, 1975 statutory amendments, and restate and revise regulations previously adopted under the Bilingual Education Act.

2. *Citations to legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232a), a citation to the legal authority for each substantive provision of the proposed regulations has been placed in parentheses on the line immediately following the text of such provisions. Each citation applies to the text of the regulations between that citation and the next preceding citation. Citations to statutory law are to the United States Code.

3. *Comments invited.* Pursuant to section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), written comments and recommendations concerning the proposed regulations are invited from interested parties. Comments may be sent to the Office of Bilingual Education, U.S. Office of Education, 400 Maryland Avenue, SW., (Room 421, Reporter's Building) Washington, D.C. 20202.

All relevant material received prior to May 30, 1975, will be considered. Comments will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Number 13.403, Bilingual Education)

Dated: February 16, 1976.

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

Dated: February 19, 1976.

VIRGINIA Y. TROTTER,
Assistant Secretary for Education.

Approved: March 29, 1976.

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

PART 123—BILINGUAL EDUCATION ACT

AUTHORITY: Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816–819 (20 U.S.C. 880b–880b–13).

Subpart A—General Provisions

§ 123.01 Purpose.

The purpose of awards under this Part is, in order to establish equal educational opportunity for all children, to encourage the establishment and operation of educational programs using bilingual educational practices, techniques, and methods and to demonstrate effective ways of providing, for children of limited English-speaking ability, instruction designed to enable them, while using their native or dominant language, to achieve competence in the English language.

(20 U.S.C. 880b(a))

§ 123.02 Definitions.

The following definitions shall apply to the terms used in this Part:

(a) "Dominant language" means the language most relied upon for communication in the home.

(20 U.S.C. 880b–1(a)(1)(B))

(b) "Institution of higher education" means an educational institution in any State which meets the requirements set forth in section 801(e) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 881(e))

(c) "Limited English-speaking ability," when used with reference to an individual, means who have difficulty speaking and understanding instruction in the English language by reason of their being:

(1) Individuals who were not born in the United States or whose native language is a language other than English; or

(2) Individuals whose dominant language is other than English.

(20 U.S.C. 880b–1(a)(1))

(d) "Local educational agency" means:

(1) A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(2) A nonprofit institution or organization of an Indian tribe which:

(i) Operates an elementary or secondary school in which Indian children constitute more than 50 per cent of the enrollment, and

(ii) Is approved by the Commissioner of Education for purposes of this Part; and

(3) An elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

(20 U.S.C. 880b-8 (a), (b); 881(f))

(e) "Low income," when used with reference to a family, means an annual income which does not exceed the low annual income determined pursuant to section 103 of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 241c; 880b-1(a)(3))

(f) "Native language," when used with reference to an individual of limited English-speaking ability, means the language normally used by such individual, or, in the case of a child, the language normally used by the parents of the child.

(20 U.S.C. 880b-1(a)(2))

(g) "Program of bilingual education" means:

(1) A program of instruction, designed for children of limited English-speaking ability in elementary or secondary schools, in which, with respect to the years of study to which such program is applicable:

(2) There is instruction given in, and study of, English and (to the extent necessary to allow a child to progress effectively through the educational system) the native or dominant language of the children of limited English-speaking ability;

(3) Such instruction is given with appreciation for the cultural heritage of such children; and

(4) With respect to elementary school instruction, such instruction is given in all courses or subjects of study necessary to allow a child to progress effectively through the educational system.

(5) A program of bilingual education shall also meet the requirements of § 123.17, regarding parent and community participation, and the requirements set forth in paragraphs (g)(5)(i), (ii), and (iii) below:

(i) A program of bilingual education may make provision for the voluntary enrollment to a limited degree therein, on a regular basis, of children of other than limited English-speaking ability, in order that they may acquire an understanding of the cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to children of limited English-speaking ability. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.

(ii) In such courses or subjects of study, as art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English-speaking ability in regular classes.

(iii) Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment, as determined after measuring such attainment through the use of all necessary languages. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to ensure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

(20 U.S.C. 880b-1(a)(4); Sen. Rep. No. 93-1026, at 148-49 (1974))

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

(20 U.S.C. 881(j))

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

(20 U.S.C. 881(k))

(j) "Stipend" means an allowance for subsistence and other expenses for an individual and his or her dependents, to enable such individual to participate in training activities where authorized under subparts B, C, D and E of this Part.

(1) In the case of a recipient of a fellowship under subpart E of this Part, the amount of the stipend for the academic year shall be the sum of the following:

(i) The costs of tuition, books and fees, and other costs directly related to the program of study in which the recipient is enrolled and required by the institution of higher education offering the program (but not including any indirect or operational costs of the institution);

(ii) An allowance of $600 for each dependent of the recipient; and

(iii) An allowance, for subsistence and other expenses of the recipient, of $2,400 for the first post-baccalaureate year, $2,600 for any year after the first post-baccalaureate year except in the terminal year of the program of study, and $2,800 for the terminal year.

(2) Where a recipient of a fellowship has had professional work experience in the field of bilingual education, the amount of the allowance referred to in paragraph (a)(1)(iii) of this definition shall be the following:

(i) At least one but less than 12 months of experience—$3,000.

(ii) At least 12 but less than 24 months of experience—$3,300.

(iii) At least 24 but less than 36 months of experience—$3,600.

(iv) At least 36 but less than 48 months of experience—$3,900.

(v) At least 48 months of experience—$4,200.

(3) Each full-time academic year of study above the baccalaureate level in the field of bilingual education shall equal 12 months of experience for purposes of paragraph (a)(2) of this definition.

(4) Where a recipient of a fellowship has been awarded a Master's degree in the field of bilingual education, the amount of the allowance referred to in paragraph (a)(2) of this definition shall be increased by $500.

(k) In the case of an individual enrolled in an institution of higher education at the baccalaureate level under this Part, the amount of the stipend for the academic year shall be the following:

(1) The costs of tuition, books and fees, and other costs directly related to the bilingual education program of study in which the individual is enrolled and required by the institution offering the program; and

(2) Where the individual is enrolled on a full-time basis, $800.

(l) In the case of an individual participating in another training activity under this Part (where the individual receives no other compensation for participating in, or performing work during, the activity) the amount of the stipend shall be $6 for each hour of participation, except that the amount shall exceed neither (1) $30 for any day, nor (2) $150 for any week.

(20 U.S.C. 880b-9(a)(3))

§ 123.03 General terms and conditions.

Assistance provided under this Part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of this chapter, relating to criteria for awards.

(20 U.S.C. 880b-880b-13)

§§ 123.04–123.10 [Reserved]

Subpart B—Basic Programs of Bilingual Education

§ 123.11 Eligibility for assistance.

(a) *General.* An application for a grant under this subpart for a basic program of bilingual education may be submitted by:

(1) One or more local educational agencies, or

(2) An institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies.

(b) *Joint applications.* In the case of a joint application for a basic program of bilingual education submitted pursuant to paragraph (a)(2) of this section, a single application with a single budget shall be submitted, and a single local educational agency shall serve as the fiscal agent for all joint applicants.

(20 U.S.C. 880b-7(b)(1))

§ 123.12 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to

carry out the purposes described in § 123.01:

(a) Establishing, operating, and improving programs of bilingual education;

(b) Providing auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in paragraph (a) of this section, including such activities as:

(1) Adult education programs related to the purposes of this Part, particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, as amended (20 U.S.C. 1201–1211a); and

(2) Preschool programs preparatory and supplementary to bilingual education programs;

(c) Providing auxiliary and supplementary training programs for personnel preparing to participate in, or personnel participating in, the conduct of a basic program, including:

(1) Programs emphasizing oportunities for career development, advancement, and lateral mobility;

(2) Special training programs designed to meet individual needs;

(3) The operation of short term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs; and

(4) The payment of stipends, as defined in § 123.02, to personnel participating in such training programs; and

(d) Planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

(20 U.S.C. 880b–7 (a)(1), (2), (3)(B), (4); 880b–9 (a)(1) (A)(i)(I), (A)(ii)(I), (B), (a)(3), (a)(5); Sen. Rep. No. 93–1026, at 153 (1974))

§ 123.13 Requirements of a basic program.

(a) A basic program shall meet the requirements for a "program of bilingual education" as those requirements are set forth in § 123.02.

(20 U.S.C. 880b–1(a)(4))

(b) Nothing in this Part shall be construed to authorize isolation of children of limited English-speaking ability by language or ethnic background unless the applicant demonstrates that separation for specific language learning activities for a portion of the school day is essential to the achievement of the purposes of this Part.

(42 U.S.C. 2000d–2000d–6)

(c) Auxiliary and supplementary training programs described in § 123.12 (c) to train personnel preparing to participate in, or personnel participating in, the conduct of a basic program shall be included in each such program. Not less than 15 percent of the amounts paid to the applicant for the purpose of carrying out a basic program shall be expended for auxiliary and supplementary training programs.

(20 U.S.C. 880b–7 (a)(3)(B), (b)(2)(B))

(d) A basic program assisted under this subpart shall include provisions for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the program to any local educational agency which requests copies of such materials.

(20 U.S.C. 880b–7(b)(1))

(e) Federal funds made available under this Part shall not be used for religious worship or instruction, or in connection with any part of a school or department of Divinity. "School or department of Divinity," for purposes of this paragraph, means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(20 U.S.C. 885; *Lemon v. Kurtzman*, 403 U.S. 602 (1971))

§ 123.14 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.12 which the applicant desires to carry out, and which shall provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports concerning performance and evaluation of approved programs) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 880b–7(b)(1); 1231d)

(b) *Content of application.* Applications for assistance under this subpart shall contain the following assurances and information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the program;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed program. It is expected that funds made available to carry out a basic program of bilingual education under this subpart will not exceed an amount equal to one-third of the combined State and local expenditure per pupil for the applicant local educational agency or agencies multiplied by the number of participating children in the proposed program;

(5) *Program participants.*—(i) The number and percentage of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency or agencies as of the date of the application;

(ii) The number of children of limited English-speaking ability and other than limited English-speaking ability to be served by the proposed program;

(iii) A description of when and how the applicant identified the children of limited English-speaking ability for whom the proposed program is designed, measured the extent of such children's lack of competence in the English language, and otherwise assessed the needs of such children; and

(iv) In the case of an application to carry out the activities described in § 123.12 (a) or (b), the number of persons from low-income families sought to be benefitted by the proposed program, and a description of how such persons will be benefitted;

(6) *Use of educational resources.* A description of provisions made by the applicant for the use, in connection with the proposed program, of the assistance of the most qualified available personnel with expertise in the educational problems of children of limited English-speaking ability, and for the use in such program of the cultural and educational resources in the area to be served. For purposes of this subparagraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit nonpublic schools, and public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television outlets, and other cultural and educational resources;

(7) *Evaluation, reports, and records.*—(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this Part;

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this Part (including reports of evaluations of any approved program, to be submitted at least twice annually), and will keep such records and afford

such access thereto as the Commissioner may find necessary to verify such reports; and

(iii) A description of the evaluation design of the proposed program. Such evaluation design shall include provisions for assessing the applicant's progress in achieving the objectives set out in its application for assistance. In the case of an application to carry out the activities described in § 123.12(a), the evaluation design shall also include the following:

(*A*) Provisions for comparing the performance of participating children on tests of reading skills in English and in the language other than English to be used in the proposed program with an estimate of what such children's performance would have been in the absence of the program. Where the applicant chooses to base such estimate on the performance of nonparticipating but similar children on such tests, the evaluation design shall include a description of the methods used to identify nonparticipating but similar children for such purpose;

(*B*) A description of instruments of measurement to be used by the applicant in evaluating the performance of participants in the program, the rationale for selecting these instruments, and procedures to be followed in their use; and

(*C*) Provisions for reporting pre-test and post-test results on reading tests for all participating children (and, where their performance is compared with the performance of nonparticipating but similar children, for all such nonparticipating children) using mean scores, standard deviations, and appropriate tests of statistical significance. No application which fails to include the elements of an evaluation design described in this paragraph will be approved for assistance under this subpart;

(8) *Review by State educational agency.* A statement indicating that the appropriate State educational agency, as defined in § 123.02, has been given a reasonable opportunity to offer recommendations to the applicant and to the Commissioner on the proposed activities, including the identity of the State official or agency to whom the proposed program was submitted, the date of such submission, and a copy of any recommendations made by such official or agency to the applicant. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or his designate shall be treated as the appropriate State educational agency for purposes of this subparagraph;

(9) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate its proposed program with related activities carried out or to be carried out with Federal or non-Federal funds;

(10) *Cross-reference.* The assurances and information described in § 123.16 and § 123.17(a).

(20 U.S.C. 880b-7 (b)(1), (b)(2) (A), (C), (D); 1232c (a) (1), (2) (b)(3))

(c) *Information pertaining to Indian institutions and organizations.* In addition to the assurances and information required in paragraph (b) of this section, an application submitted by a nonprofit institution or organization of an Indian tribe operating an elementary or secondary school for Indian children shall include:

(1) The date when such school was founded and a brief summary of the number of children enrolled in, number of staff employed by, and grade structure of the school since its founding; and

(2) Evidence of the applicant's nonprofit status. Any of the following shall be acceptable evidence of nonprofit status:

(i) A reference to the organization's listing in the Internal Revenue Service's most recent cumulative list of organizations described in section 501(c) of the Internal Revenue Code as tax exempt;

(ii) A copy of a currently valid Internal Revenue Service tax exemption certificate;

(iii) A statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State, and that no part of its net earnings may lawfully inure to the benefit of any private shareholder or individual;

(iv) A certified copy of the organization's certificate of incorporation or similar document, where such document clearly establishes the nonprofit status of the organization;

(v) Any of the evidence described in clauses (i) through (iv) of this subparagraph which applies to a State or national parent organization, and a statement by the parent organization that the applicant organization is a local nonprofit affiliate.

(20 U.S.C. 880b-8(a))

§ 123.15 Criteria for assistance.

(a) *General criteria.* In evaluating applications for assistance under this subpart (except as provided in paragraph (b) of this section) the Commissioner shall apply the following criteria:

(1) *Need for assistance.* (20 points) The need for assistance, as indicated by:

(i) The number and percentage of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency or agencies as of the date of the application;

(ii) The extent of such children's lack of competence in the English language and other needs related to their ability to progress effectively through the educational system, where the existence of such needs is supported by reliable evidence contained in the application; and

(iii) Recommendations from the appropriate State educational agency as to the relative need for the activities described in § 123.12 in different geographic areas within the State, the relative ability of local educational agencies within the State to conduct such activities, and other factors relevant to achieving an equitable distribution of assistance under this subpart within the State.

(2) *Approach.* (50 points) The quality of the applicant's educational approach, as indicated by the following factors:

(i) The extent to which the application sets forth objectives, designed to meet the needs assessed, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods; and the extent to which the proposed program provides for concentrating services for a limited number of participants;

(ii) The extent to which the proposed program:

(*A*) Employs a comprehensive approach for instruction in, and the study of, English and the dominant language of participating children of limited English-speaking ability;

(*B*) Incorporates instruction in the history and culture of the United States and the history and culture of the geographic area associated with the dominant language of such children;

(*C*) Includes effective use of the cultural and educational resources in the area to be served;

(*D*) Affords promise of facilitating conceptual development and the improvement of reading and writing skills in English and a language other than English, on the part of participating children of limited English-speaking ability which will permit such children to progress through the educational system at the same rate as other children of the same age; and

(*E*) In the case of an application to carry out the activities described in § 123.12 (a) or (b), provides for benefiting persons from low-income families;

(iii) The extent to which the proposed program includes an adequate staffing plan, and will employ the services of persons with proficiency in the dominant language of participating children of limited English-speaking ability and experience in carrying out activities designed to develop listening, speaking, reading, writing, and other academic skills in the English language and in the dominant language of such children;

(iv) The extent to which the application:

(*A*) Provides for auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of the proposed program; and

(*B*) Delineates specific opportunities for the participation of the community advisory committee described in § 123.17 in the planning, implementation, and evaluation of the proposed program, and contains evidence that such participation has been encouraged and has in fact occurred; and

(v) The extent to which the auxiliary and supplementary training activities included in the proposed program afford promise of increasing the effectiveness of the program;

(3) *Administration.* (15 points) The extent to which the application sets forth:

(i) Effective methods of administration;

(ii) Effective financial management procedures;

(iii) Reasonable costs for services and property for the proposed program, and evidence that efforts have been made to minimize funds requested for the purchase of equipment and for personnel normally supported by the applicant;

(iv) Procedures for effective coordination of activities under the proposed program with related activities not funded under this subpart; and

(v) A plan for continuing the program without Federal support at the end of the project period; and

(4) *Evaluation.* (15 points) The extent to which the application sets forth an evaluation design as described in § 123.14(b)(7)(iii) which ensures a reliable and comprehensive assessment of the performance of participants in the proposed program.

(b) *Funding categories.*—(1) Awards of assistance under this subpart shall be made for a specified project period. The duration of the project shall be only for the minimum period determined by the Commissioner to be needed to carry out the demonstration or other approved objectives of the program.

(2) Applications for assistance to continue a program during the project period but subsequent to the initial fiscal year of assistance shall be evaluated on the basis of the progress of the program in meeting its objectives, except that where funds are insufficient to support all progarms determined on such basis to merit continuation, applications for continued support shall be evaluated on the basis of the criteria in paragraph (a) of this section.

(3) Following the expiration of the project period for a particular program, an application for further assistance to support such program shall be evaluated on the basis of the criteria in paragraph (a) of this section in competition with other applications to which such criteria apply, as provided in this section.

(4) An application for assistance to continue a program of bilingual education in operation in fiscal year 1976 pursuant to an approved project period in excess of one year shall be evaluated pursuant to paragraph (b)(2) of this section, except that no application which fails to contain the assurances and information set out in § 123.14 may be approved, and no program which fails to meet the requirements set out in § 123.13 may be assisted.

(20 U.S.C. 880b(a); 880b–7 (b)(1)(B), (b)(2)(A), (b)(2)(C) (i), c); Sen. Rep. No. 93–763, at 43–45 (1974); Sen. Rep. No. 93–1026, at 149 (1974))

§ 123.16 Participation of children enrolled in nonpublic schools.

(a) An application for assistance under this subpart shall contain:

(1) Evidence that, to the extent consistent with the number of children of limited English-speaking ability enrolled in nonprofit nonpublic schools in the area to be served, provision has been made for the participation of such children in the proposed program; and

(2) A description of the nature and extent of such participation.

Such participation may, at the option of the applicant, involve children enrolled in a nonpublic school whose dominant language is other than the dominant language of public school children of limited English-speaking ability to be served by the proposed program.

(b) The applicant shall provide information satisfactory to ensure that services to participating nonpublic school children will be provided under public administrative direction and control.

(20 U.S.C. 880b–7(b)(2)(C)(ii))

§ 123.17 Parent and community participation.

(a) *Information and assurances.*—(1) Applications for assistance under this subpart shall contain a description of the procedures by which parents of children of limited English-speaking ability, teachers, secondary school students (where the proposed program will serve students enrolled in secondary schools), and other interested persons in the areas to be served have been consulted in the development of the application.

(2) An application for assistance under this subpart shall contain an assurance that in the event the application is approved:

(i) The applicant local educational agency will consult with a community advisory committee established in accordance with paragraph (b) of this section at reasonable intervals (at formal meetings open to the public) with respect to the administration and operation of the program;

(ii) Such agency will provide such committee with a reasonable opportunity periodically to observe (upon prior and adequate notice to such agency and at such time or times as such committee and such agency may agree) and comment upon all activities included in the program; and

(iii) Such agency will make such provisions as are necessary to ensure the participation of such committee in the evaluation of the program.

(b) *Composition of community advisory committee.* The community advisory committee required by this section shall be composed of, and selected by, parents of children of limited English-speaking ability in the areas to be served and, where the program will serve students enrolled in secondary schools, representatives of secondary school students to be served.

(20 U.S.C. 880b–1(a)(4)(E); 1231d)

§§ 123.18–123.20 [Reserved]

Subpart C—Support Services for Programs of Bilingual Education

§ 123.21 Eligibility for assistance.

(a) An application for a grant under this subpart for the operation of a training resource center serving a designated service area may be submitted by:

(1) One or more institutions of higher education (including junior colleges and community colleges) which apply after consultation with, or jointly with, one or more local educational agencies;

(2) One or more local educational agencies; or

(3) One or more State educational agencies.

(20 U.S.C. 880b–9(b))

(b) An application for a grant under this subpart for the operation of a materials development center serving a designated service area, or for the operation of a dissemination/assessment center serving a designated service area, may be submitted by:

(1) One or more local educational agencies; or

(2) An institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies.

(20 U.S.C. 880b–7(b)(1))

(c) In the case of a joint application submitted pursuant to paragraphs (a)(1) or (b)(2) of this section, a single application with a single budget shall be submitted, and a single institution of higher education shall serve as the fiscal agent for all joint applicants.

(20 U.S.C. 880b–7(b)(1), 880b–9(b))

§ 123.22 Designated service areas.

(a) *Training resource centers.* Activities authorized under § 123.23(a), relating to training resource centers, shall be carried out in one of the following designated service areas:

(1) Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont);

(2) Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands);

(3) Regions III and IV (Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(4) Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin);

(5) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas);

(6) Regions VII and VIII (Iowa, Kansas, Missouri, Nebraska, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming);

(7) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands); and

(8) Region X (Alaska, Idaho, Oregon, and Washington).

(b) *Materials development centers.* Activities authorized under § 123.23(b), relating to materials development centers, shall be carried out in one of the following designated service areas:

(1) Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont);

(2) Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands);

(3) Regions III and IV (Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Alabama, Florida, Georgia, Kentucky, Mis-

sissippi, North Carolina, South Carolina, and Tennessee);

(4) Regions V and VII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, and Nebraska);

(5) Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas);

(6) Regions VIII and X (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, Alaska, Idaho, Oregon, and Washington); and

(7) Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands).

(c) *Dissemination/assessment centers.* Activities authorized under § 123.23(c), relating to dissemination/assessment centers, shall be carried out in one of the following designated service areas:

(1) Regions I, II, III, and IV (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Puerto Rico, the Virgin Islands, Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee);

(2) Regions V, VI, VII, and VIII (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming); and

(3) Regions IX and X (Arizona, California, Hawaii, Nevada, American Samoa, Guam, the Trust Territory of the Pacific Islands, Alaska, Idaho, Oregon, and Washington).

(d) (1) No more than one award of assistance shall be made to carry out the activities authorized under § 123.23 (a), (b), and (c), respectively, in any fiscal year in a designated service area unless the Commissioner determines that additional awards are required to meet the needs for such activities in any such area.

(2) Where the Commissioner determines that the needs for activities authorized under § 123.23 (a), (b), or (c) in all or part of a designated service area will not be met by the activities proposed in applications pending before him, he may require applicants whose applications are of sufficient merit to warrant approval to expand their proposed activities to meet such needs.

(20 U.S.C. 880b–7 (a) (1) and (4), (b) (1), (2) (A), (c); 880b–9)

§ 123.23 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) *Training resource centers.* In the case of a training resource center, the training of teachers, administrators, paraprofessionals, teacher aides, parents, and other persons associated or preparing to be associated, with program of bilingual education (including persons employed by institutions of higher education and State educational agencies who are providing training under subpart B, D or E of this Part) in the skills set forth in this paragraph, and the payment of stipends, as defined in § 123.02, to personnel participating in such training activities. In carrying out training activities described in this paragraph, priority shall be given to improving the likelihood of success of programs of bilingual education assisted under this Part in the designated service area.

(1) The use of bilingual educational practices, techniques, and methods;

(2) The use of instructional materials for programs of bilingual education, including procedures for field or pilot testing of such materials;

(3) The selection and use of appropriate instruments for measuring the educational performance of children of limited English-speaking ability;

(4) Means of involving parents and community organizations in programs of bilingual education, and of incorporating into such programs the use of available cultural and educational resources;

(5) The development and implementation of procedures to evaluate the impact of programs of bilingual education; and

(6) Any other skills which the Commissioner determines would facilitate the success of programs of bilingual education.

(20 U.S.C. 880b(a); 880b–9 (a) (1) (A) (i) (II) and (III), (a) (3))

(b) *Materials development centers.* In the case of a materials development center:

(1) The development of instructional and testing materials for use in programs of bilingual education in the designated service area; and

(2) The development of instructional materials for use by institutions of higher education in preparing persons for vocations in the field of bilingual education.

(20 U.S.C. 880b–7(a) (1), (4))

(c) *Dissemination/assessment centers.* In the case of a dissemination/assessment center:

(1) The publication and distribution of instructional and testing materials for use in programs of bilingual education, and by institutions of higher education in preparing persons for vocations in the field of bilingual education;

(2) The assessment of the effectiveness and applicability of materials described in subparagraph (1) of this paragraph with respect to various language groups of limited English-speaking ability residing in the designated service area; and

(3) The assessment of the need for instructional and testing materials on the part of children of limited English-speaking ability residing in the designated service area.

(20 U.S.C. 880b–7(a) (1), (4))

§ 123.24 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart for a training resource center, a materials development center, or a dissemination/assessment center shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.23(a), (b), or (c) which the applicant desires to carry out. Where an applicant desires to operate more than one type of center described in this subpart, a separate application for each center shall be submitted. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports relating to performance and evaluation of approved centers) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(b) *Content of application.* Application for assistance under this subpart for a training resource center, a materials development center, or a dissemination/assessment center shall contain the following information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the center;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed center;

(5) *Needs and needs assessment.* A description of the needs in the designated service area for the activities proposed by the applicant, and of the procedures employed by the applicant to identify and assess such needs;

(6) *Staffing.* A description of the professional qualifications of key personnel for the proposed center, as such qualifications relate to the activities which the applicant proposes to carry out;

(7) *Evaluation, reports, and records.*

(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this part; and

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Part, and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports;

(8) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate the activities of the proposed center:

(i) With the activites of other centers assisted under this subpart;

(ii) With activities under other Federally-supported programs to assist children of limited English-speaking ability; and

(iii) In the case of a training resource center, with any other programs training auxiliary educational personnel for programs of bilingual education;

(9) *Review by State educational agency.* In the case of an application for a materials development or a dissemination/assessment center, a statement indicating that the State educational agencies, as defined in § 123.02, in the designated service area of the proposed center have been given a reasonable opportunity to offer recommendations to the applicant and the Commissioner for the improvement of the proposed activities, including the identity of the State officials or agencies to whom the proposed activities were submitted, the date of such submission, and a copy of any recommendations made by such officials or agencies to the applicant. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or his designate shall be treated as the appropriate State educational agency for purposes of this subparagraph.

(20 U.S.C. 880b-7(b)(1), (b)(2)(D); 800b-9; 1231d; 1232c (a) (1), (2), (b)(33))

§ 123.25 Criteria for assistance—training resource centers.

In evaluating applications for assistance under this subpart for training resource centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the authorized training activities described in § 123.23(a) in the designated service area;

(b) *Approach.* (50 points) The quality of the applicant's training approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the needs identified, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the authorized training activities described in § 123.23 (a);

(3) The extent to which the application provides for a continuing exchange of information between the applicant and both administrators of programs of bilingual education assisted under this Part and other persons providing training under this Part in the designated service area; and

(4) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart and other programs training auxiliary educational personnel for programs of bilingual education;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b-7 (b)(2)(A), (c); 880b-9)

§ 123.26 Criteria for assistance—materials development centers.

In evaluating applications for assistance under this subpart for materials development centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the kinds of materials described in § 123.23(b) in the designated service areas;

(b) *Approach.* (50 points) The quality of the applicant's approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the most critical needs identified, which objectives are specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the development of the kinds of materials described in § 123.23(b);

(3) The extent to which the application contains provisions for the effective use of cultural and educational resources in the designated service area; and

(4) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b-7 (b)(2)(A), (c))

§ 123.27 Criteria for assistance—dissemination/assessment centers.

In evaluating applications for assistance under this subpart for dissemination/assessment centers, the Commissioner shall apply the following criteria:

(a) *Needs identification.* (20 points) The extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the needs for the activities described in § 123.23(c) in the designated service area;

(b) *Approach.* (50 points) The quality of the applicant's approach, as indicated by the following factors:

(1) The extent to which the application sets forth objectives designed to meet the needs identified, which objectives are specific, measurable, and realistically attainable within specified periods;

(2) The extent to which the application includes an adequate staffing plan, and the extent to which personnel who will carry out the proposed activities are proficient in a dominant language of children of limited English-speaking ability residing in the designated service area and possess demonstrated competence and experience in the authorized activities described in § 123.23(c); and

(3) The extent to which the application contains provisions for effective coordination with the activities of other centers assisted under this subpart;

(c) *Administration.* (15 points) The extent to which the application sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures; and

(3) Evidence that efforts have been made to minimize funds requested for the purchase of equipment, travel, and other support costs; and

(d) *Evaluation.* (15 points) The extent to which the application sets forth procedures for evaluating, by objective and quantifiable means, the success of the proposed activities in achieving the applicant's objectives.

(20 U.S.C. 880b-7 (b)(2)(A), (c))

§§ 123.28–123.30 [Reserved]

Subpart D—Training Programs

§ 123.31 Eligibility for assistance.

(a) An application for assistance under this subpart may be submitted by:

(1) One or more institutions of higher education (including a junior or community college) which apply after consultation with, of jointly with, one or more local educational agencies;

(2) One or more local educational agencies; or

(3) One or more State educational agencies.

(b) In the case of a joint application submitted pursuant to paragraph (a)(1) of this section, a single application with a single budget shall be submitted, and a single institution of higher education shall serve as the fiscal agent for all joint applicants.

(c) Not more than 15 percent of the funds obligated for training activities under this subpart and subparts B, C, and E of this Part in any fiscal year shall be made available to State educational agencies in that fiscal year.

(20 U.S.C. 880b-9 (a)(4), (b))

§ 123.32 Authorized activities.

The following activities are authorized to be carried out with financial assistance made available under this subpart where such activities are designed to carry out the purposes described in § 123.01:

(a) Training programs designed to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility. In the case of applications submitted by an institution of higher education after consultation with, or jointly with, one or more local educational agencies, these programs may include payment to the institution of higher education of costs associated with the enrollment and attendance of such persons in a program of study at the institution of higher education which will lead to a degree or credential in the field of bilingual education. In selecting recipients of traineeships under this paragraph, the applicant shall give priority to bilingual persons and to persons who have demonstrated a high degree of interest in pursuing a vocation in the field of bilingual education.

(b) Training programs for teachers, administrators, paraprofessionals, teacher aides, and parents associated with programs of bilingual education;

(c) Programs to train persons to teach and counsel those persons described in paragraph (b) of this section;

(d) Training programs designed to improve programs of bilingual education by meeting individual needs of persons associated with such programs;

(e) Training programs designed to encourage reform, innovation, and improvement in educational curricula (applicable to programs of bilingual education) in graduate education, in the structure of the academic profession, and in the recruitment and retention of higher education and graduate school faculties, as related to bilingual education. It is anticipated that no more than $100,000 of the sums appropriated for the purposes of this Part in any fiscal year will be made available for training programs described in this paragraph;

(f) The operation of short term training institutes designed to improve the skills of participants in programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs; and

(g) The payment of stipends, as defined in § 123.02, to personnel participating in training programs described in paragraphs (a)-(f) of this section except that stipends to persons who are enrolled in a full-time program of study at an institution of higher education under paragraph (a) of this section, and who are engaged in gainful employment on a full-time basis, shall include only the costs of tuition, books and fees and other costs directly related to the program of study and required by the institution of higher education.

(20 U.S.C. 880b-9(a) (1), (3))

§ 123.33 Applications.

(a) *General provisions.* An applicant desiring to receive assistance under this subpart shall submit to the Commissioner an application which shall include a description of the activities set forth in § 123.32 which the applicant desires to carry out. The Commissioner may require the information described in this section to be submitted either in a single application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto (including reports relating to performance and evaluation of approved programs) shall be made readily available to members of the public by the applicant. The applicant shall make copies of such materials available at a cost not exceeding the actual cost of reproduction.

(20 U.S.C. 880b-9; 1231d)

(b) *Content of application.* Applications for assistance under this subpart shall contain the following assurances and information:

(1) *Administration by applicant.* Evidence that the activities for which assistance is sought under this subpart will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient administration of the program;

(3) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of an accounting for Federal funds paid to the applicant under this subpart;

(4) *Budget and justification.* A statement detailing the costs of services and property in the budget for the proposed program;

(5) *Need for assistance.* A description of the nature and magnitude of the need for the proposed training activities, and the means by which the applicant has assessed such need;

(6) *Evaluation, reports, and records.*—(i) Evidence that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in achieving the purposes of this Part;

(ii) Evidence that the applicant will submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Part, and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports; and

(iii) A description of the evaluation design for the proposed program;

(7) A description of the professional qualifications of persons who will conduct the proposed training activities;

(8) *Coordination.* A description of procedures employed and to be employed by the applicant to coordinate its proposed program with any other programs training auxiliary educational personnel, including training activities assisted under subparts B, C, and E of this Part;

(9) *Consultation with local educational agencies.* In the case of an application submitted by an institution of higher education after consultation with one or more local educational agencies:

(i) The name of such agency or agencies;

(ii) A description of how the agency or agencies were consulted; and

(iii) A description of how the agency or agencies will be involved in the proposed program; and

(10) *Parent and community participation.* In the case of an application for a program described in § 123.32 (a), (d) or (f), the information and assurances required by § 123.17(a) (1) and (2).

(20 U.S.C. 880b-9 (a) (1), (5), (b); 1231d; 1232c (a) (1), (2), (b)(3))

§ 123.34 Criteria for assistance.

(a) General criteria. In evaluating applications for assistance under this subpart (except as provided in paragraph (b) of this section) the Commissioner shall apply the following criteria:

(1) (15 points) The nature and magnitude of the need for the proposed training activities;

(2) (10 points) The soundness of the proposed program, in terms of the extent to which the application sets forth objectives, designed to meet the needs assessed, which objectives are interrelated, specific, measurable, and realistically attainable within specified periods;

(3) (20 points) The extent to which persons who will conduct the proposed training activities possess demonstrated competence and experience in the field of bilingual education;

(4) (10 points) The extent to which the proposed program affords promise of increasing the number of professional educational personnel capable of par-

ticipating in programs of bilingual education;

(5) (10 points) The extent to which the proposed program will increase the applicant's capacity for training personnel in the field of bilingual education;

(6) (10 points) The extent to which the proposed program will incorporate the use of both English and a language other than English;

(7) (10 points) The extent to which the proposed program includes field experience with programs of bilingual education;

(8) (5 points) The extent to which the application sets forth procedures for a reliable and comprehensive evaluation of the impact of the proposed program;

(9) (5 points) The extent to which the application sets forth procedures for effective coordination of the proposed program with other programs training auxiliary educational personnel, including training activities assisted under subparts B, C, and E of this Part; and

(10) (5 points) The extent to which the application sets forth effective methods of administration and financial management procedures, and reasonable costs.

(b) *Funding categories.*—(1) Awards of assistance for training activities under this subpart shall be made for a specified project period. The duration of the project shall be only for the minimum period determined by the Commissioner to be needed to carry out the approved objective of the program.

(2) Applications for assistance to continue a program during the project period but subsequent to the initial fiscal year of assistance shall be evaluated on the basis of the progress of the program in meeting its objectives, except that where funds are insufficient to support all programs determined on such basis to merit continuation, applications for continued support shall be evaluated on the basis of the criteria in paragraph (a) of this section.

(3) Following the expiration of the project period for a particular program, an application for further assistance to support such program shall be evaluated on the basis of the criteria in paragraph (a) of this section in competition with other applications to which such criteria apply, as provided in this section.

(20 U.S.C. 880b(a); 880b–9(a) (1), (4))

§§ 123.35–123.40 [Reserved]

Subpart E—Fellowships for Preparation of Teacher Trainers

§ 123.41 General provisions.

(a) The Commissioner may award fellowships to individuals for the purpose of permitting such individuals to enroll in a full-time program of study in the field of training teachers for bilingual education.

(b) Fellowships shall be awarded to eligible individuals accepted for enrollment in a program of study offered by an institution of higher education approved for participation under this subpart by the Commissioner.

(c) Allowable costs for the fellowships include stipends, as defined in § 123.02, except that stipends to recipients of fellowships who are engaged in gainful employment on a full-time basis shall include only the costs of tuition, books and fees, and other costs associated with the program of study and required by the institution of higher education.

(20 U.S.C. 880b–9(a) (2), (3))

§ 123.42 Participation by institutions of higher education.

(a) An institution of higher education which offers a program of study leading to a degree above the baccalaureate level in the field of training teachers for programs of bilingual education may submit to the Commissioner a request for participation under this subpart. Such request shall contain the following information:

(1) A description of the existing program of study in which recipients of fellowships under this subpart will be enrolled, including:

(i) The organizational location of such program;

(ii) The requirements for satisfactory progress in, and completion of, the program;

(iii) A description of the theoretical and methodological framework of the program, including any interdisciplinary aspects of the program;

(iv) A description of opportunities for field-based experience included in the program; and

(v) Evidence that the program has been or will be adopted as a permanent part of the graduate programs of study offered by the institution of higher education;

(2) A description of the professional qualifications of faculty members in the program of study, including their experience in teacher training and in bilingual education, their bilingual competence, and their knowledge of the history and culture of the United States and geographical areas associated with a language other than English;

(3) A description of the nature and extent of any consultation and coordination both accomplished and planned, with local educational agencies and persons or organizations with expertise in teacher training or the educational problems of children of limited English-speaking ability, including a description of any arrangements made for the implementation of field-based aspects of the program;

(4) A description of the competencies, relating to training teachers for programs of bilingual education, which individuals completing the program of study may expect to acquire, including the ability to prepare teachers to:

(i) Teach various subjects or courses of study in elementary or secondary schools using English and a language other than English as the media of instruction;

(ii) Provide instruction in elementary or secondary schools in the history and culture of the United States and geographical areas associated with a language other than English;

(iii) Select and use appropriate instruments for measuring the educational performance of children of limited English-speaking ability; and

(iv) Involve parents and community organizations in programs of bilingual education, and incorporate into such programs the use of available cultural and educational resources, as described in § 123.14(b) (6);

(5) A statement of the costs to the recipient of the fellowship of enrollment in the program of study, including tuition, books and fees, and other costs required by the institution of higher education (but not including any indirect or operational costs of such institution);

(6) The name, position, address and professional qualifications of the individual who will have primary responsibility for administering the program of study for recipients of fellowships under this subpart;

(7) An estimate of the number or recipients of fellowships to be enrolled in the program of study; and

(8) A description of the criteria to be used in selecting nominees and alternates for fellowships under this subpart, including a discussion of how such criteria relate to the likelihood that such nominees and alternates will satisfactorily complete the program.

(b) In evaluating requests for participation by institutions of higher education, the Commissioner will consider the quality of the program of study described by the institution pursuant to paragraph (a) of this section, with particular reference to the following factors:

(1) The extent to which the program includes effective means of providing field-based experience;

(2) The extent to which the program has been adopted as a permanent part of the graduate programs of study offered by the institution;

(3) The qualifications of faculty members for the program, especially with regard to their bilingual competency;

(4) The extent to which the program affords promise of imparting each of the competencies described in paragraph (a) (4) of this section; and

(5) The extent to which the criteria for selection of nominees and alternates described in paragraph (a) (8) of this section give priority to bilingual persons and to persons who have demonstrated a high degree of interest in vocation in the field of bilingual education.

(20 U.S.C. 880b–9(a) (2))

§ 123.43 Awards of fellowships to individuals.

(a) An individual is eligible to receive a fellowship under this subpart where such individual:

(1) Is a citizen of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Commonwealth of Puerto Rico, Guam, American

Samoa, the Virgin Isla ds, or the Trust Territory of the Pacific Islands; and

(2) Has been accepted for enrollment in a full-time program of study offered by an institution of higher education approved for participation under this subpart.

(b) An individual desiring to receive a fellowship under this subpart may apply for such fellowship by submitting an application therefor through a participating institution of higher education. A list of such institutions may be obtained from the Commissioner upon request.

(c) In awarding fellowships under this subpart the Commissioner will be guided by the relative need of various language groups of limited English-speaking ability, and of various geographical areas, for teachers for program of bili gual education.

(d) A recipient of a fellowship under this subpart may continue to receive a stipend only for such period as he or she maintains satisfactory progress in the program of study described in § 123.42(a).

(20 U.S.C. 880b-7(c), 880b-9(a)(2), (3); Sen. Rep. No. 93-1026, at 151-52 (1974))

§§ 123.44–123.50 [Reserved]

Subpart F—Coordination of Technical Assistance by State Educational Agencies

§ 123.51 Eligibility for awards.

A State educational agency in a State where programs of bilingual education assisted under this Part were operated during the fiscal year preceding fiscal year for which assistance is sought may submit an application for a contract for the purpose of coordination by such agency of technical assistance to programs of bilingual education.

(20 U.S.C. 880b-7(b)(3)(A))

§ 123.52 Authorized activities.

(a) Funds made available under this subpart shall be used for the coordination of technical assistance to programs of bilingual education assisted under this Part and operated by local educational agencies in the State of the applicant.

(b) The amount paid to any State educational agency under this subpart shall not exceed 5 per cent of the aggregate of the amounts paid under this Part to local educatio al agencies in the State of such agency in the fiscal year preceding the fiscal year for which assistance under this subpart is sought.

(20 U.S.C. 880b-7(b)(3)(A), (B); Sen. Rep. No. 93-1026, at 150-51 (1974))

§ 123.53 Program applications.

(a) A State educational agency desiring to enter into a contract pursuant to this subpart for any fiscal year shall submit to the Commissioner a program application for that fiscal year. Such application shall include the following information:

(1) A description of the programs of bilingual education assisted under this Part within the State during the fiscal year preceding the fiscal year for which assistance is sought, a description of the activities of the State educational agency in coordinating and providing technical assistance to such programs during such preceding fiscal year, a description of the organization of the State educational agency, and the names and professional qualifications of the principal staff members of such agency who have provided services to programs of bilingual education;

(2) A description of the need for coordination of technical assistance to programs of bilingual education assisted under this Part in the State during the fiscal year for which assistance is sought, in terms of factors indentified by the applicant;

(3) A description of the activities which the applicant desires to carry out to meet the needs which it has identified, including:

(i) A description of a plan for monitoring programs of bilingual education assisted under this Part within the State;

(ii) A description of a plan for evaluating the impact of such programs; and

(iii) A description of a plan for facilitating the exchange of information among such programs;

(4) A budget detailing the costs of activities for which assistance is sought; and

(5) Provisions for making available, at a cost not exceeding the actual cost of reproduction, sample copies of any materials resulting from the applicant's activities under this subpart to any local educational agency within the State which requests copies of such materials.

(b) The applicant shall also provide the following assurances:

(1) An assurance that funds made available under this subpart for any fiscal year will be so used as to supplement and to the extent practical increase the level of funds that would, in the absence of such funds, be made available by the State for the activities described in § 123.52(a)(3), and in no case to supplant such funds.

(2) An assurance that the applicant will:

(i) Cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this subpart have been effective in improving programs of bilingual education funded under this Part; and

(ii) Submit to the Commissioner such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Part (including reports of evaluations of any approved program, to be submitted at least twice annually) and will keep such records and afford such access thereto as the Commissioner may find necessary to verify such reports.

(20 U.S.C. 880b-7(b)(3)(A); 1232c(a)(1), (2))

§ 123.54 Criteria for assistance.

In evaluating applications for assistance under this subpart, the Commissioner will consider the following factors:

(a) The extent to which the applicant coordinated and provided technical assistance to programs of bilingual education assisted under this Part within the State during the fiscal year preceding the fiscal year for which assistance is sought;

(b) The extent to which the services described in paragraph (a) of this section were effective in improving the quality of such programs bilingual education;

(c) The extent to which the application includes an adequate staffing plan and provides for employing the services of persons qualified to coordinate the provision of technical assistance to programs of bilingual education assisted under this Part within the State;

(d) The extent of the need for assistance under this subpart as indicated by the number of programs of bilingual education assisted under this Part within the State during the fiscal year for which assistance under this subpart is sought, and factors identified by the applicant;

(e) The extent to which the proposed activities afford promise of improving programs of bilingual education assisted under this Part within the State; and

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(f) The extent to which the applicant sets forth:

(1) Effective methods of administration;

(2) Effective financial management procedures;

(3) Provisions for coordinating its activities with related activities supported by Federal and non-Federal funds; and

(4) Reasonable costs.

(20 U.S.C. 880b-7(b)(3))

§§ 123.55–123.60 [Reserved]

Subpart G—Research and Demonstration Projects

§ 123.61 Authorized activities.

The following activities are authorized to be carried out with funds made available under this subpart:

(a) Research in the field of bilingual education in order to enhance the effectiveness of:

(1) Programs assisted under this Part;

(2) The program authorized by section 708(c) of the Emergency School Aid Act (20 U.S.C. 1607(c));

(3) The programs carried out in coordination with the provisions of the Bilingual Education Act (20 U.S.C. 880b-b-13) pursuant to:

(i) Section 122(a)(4)(C) and part J of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(C) and 20 U.S.C. 1393 *et seq.*); and

(ii) Section 306(a)(11) of the Adult Education Act (20 U.S.C. 1205(a)(11)); and

(4) Programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 6(b)(4) of the Library Services and Construction Act (20 U.S.C. 351d(b)(4));

(b) Testing the effectiveness of research findings by the National Institute

of Education in the field of bilingual education;

(c) Demonstrating new or innovative practices, techniques, and methods for use in prgrams assisted under this Part;

(d) Undertaking studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;

(e) Developing and disseminating instructional materials and equipment suitable for use in bilingual education programs; and

(f) Establishing and operating a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and programs related thereto.

(20 U.S.C. 880b-1(a)(8); 880b-13 (a), (b), (c); Sen. Rep. No. 93-1026, at 153-54 (1974))

§ 123.62 Administration; award procedures.

(a) Awards for the research activities described in § 123.61(a) shall be made by the National Institute of Education in accordance with the provisions of 20 U.S.C. 1221e.

(b) Awards for the activities described in § 123.61 (b)-(f) shall be made by the Director of the National Institute of Education or by the Commissioner of Education, or pointly by the Director and the Commissioner, to one or more public or private educational agencies, institutions or organizations. The awards described in this paragraph (b) shall be in the form of competitive contracts, and shall be governed by the provisions of the Federal Procurement Regulations (41 Code of Federal Regulations, Chapters 1 and 3).

(20 U.S.C. 880b-13 (a), (b), (c))

§ 123.63 Consultation.

In carrying out their responsibilities under this subpart, the Commissioner of Education and the Director of the National Institute of Education will periodically consult with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

(20 U.S.C. 880b-13(d))

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