AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 41—No.78
4–21–76

PAGES
16645–16787

federal register

WEDNESDAY, APRIL 21, 1976



highlights

PART I:

MINORITY BUSINESS ENTERPRISE
USDA issues regulations strengthening support; effective 4–21–76 16656

OPERATING LOANS
USDA/FmHA proposes to subordinate capital expenditures to allow for otherwise unobtainable funds; comments by 5–20–76 16660

AVAILABILITY OF INFORMATION
Treasury/Customs Service proposes to allow public access to vessel manifests under certain conditions; and conditions for sale; comments by 6–21–76 16659

MEETINGS—
Commerce/Office of Energy Policy Programs: National Industrial Energy Council (2 documents), 5–21 and 5–28–76 16678
DOD/Navy: Chief of Naval Operations Executive Panel Advisory Committee, 5–11 and 5–12–76 16667
FCC: Domestic Land Mobile Radio Advisory Committee 1979 World Administrative Conference, 5–12–76 16695
WARC Advisory Committee for Radio Relay (Common Carrier), 5–6–76 16695
FPC: National Gas Survey Supply-Technical Advisory Task Force, 5–17–76 16712
National Gas Survey Executive Advisory Committee Subgroup, 5–18–76 16711
HEW/FDA: Gastrointestinal Drugs Advisory Committee, 5–17 and 5–18–76 16679
OE: Advisory Council on Equality of Educational Opportunity, 5–26 through 5–28–76 16679
Advisory Council on Women's Educational Programs, 5–7–76 16680
Office of Assistant Secretary for Health: Health Insurance Benefits Advisory Council, 5–11–76 16680
NASA: Research and Technology Advisory Council, 5–11 through 5–13–76 16713
National Foundation on the Arts and Humanities: Literature Advisory Panel, 5–7 and 5–8–76 16714
Treasury/Comptroller of the Currency: Regional Advisory Committee on Banking Policies and Practices for the fifth National Bank Region, 5–14 and 5–15–76 16667
USDA/CCC: Commodity Credit Corporation Advisory Board, 5–10 and 5–11–76 16674

CANCELLED MEETING—
HEW/OE: National Advisory Council on Education Professions Development, 4–23–76 16680

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

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

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

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

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

federal register
Area Code 202 Phone 523–5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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

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

PART II:

HEARING AID DEVICES
HEW/FDA proposes professional and patient labeling and conditions for sale; comments by 6–21–76..... 16755

PART III:

METRIC EDUCATION
HEW/OE issues regulations governing grants and contracts; effective 6–7–76..... 16765

PART IV:

LANGUAGE MINORITY GROUPS
Justice proposes regulations for the implementation of the Voting Rights Act; comments by 5–21–76..... 16773

PART V:

RAIL SERVICE
ICC issues regulations covering standards for determining continuation subsidies..... 16781

contents

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Milk marketing orders:
Appalachian; Chattanooga, Tenn.; Knoxville, Tenn.; and Ohio Valley Areas..... 16660
New York-New Jersey Area... 16660

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Commodity Credit Corporation; Farmers Home Administration.

Rules

Procurement; minority business enterprises..... 16656

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
International Air Transport Association..... 16685

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; Economic Development Administration; Energy Policy and Programs Office; National Oceanic and Atmospheric Administration.

Notices

Organization and functions:
Communications Office; correction..... 16679
Watches and watch movements; allocation of duty-free quotas... 16678

COMMODITY CREDIT CORPORATION

Notices

Nonfat dry milk; monthly sales list..... 16674
Meeting:
Commodity Credit Corporation Advisory Board..... 16674

COMMODITY FUTURES TRADING COMMISSION

Notices

Commodity options transactions; release of letter to Congress relative to delay in implementing regulations..... 16685

COMPTROLLER OF THE CURRENCY

Notices

Meetings:
Regional Advisory Committee on Banking Policies and Practices for the Fifth National Bank Region..... 16667

CUSTOMS SERVICE

Proposed Rules

Freedom of information:
Vessel manifests; public access to information contained therein..... 16659

DEFENSE DEPARTMENT

See Navy Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Export control violations; civil penalties and probation:
Gert Wenzel & Wenzel Electronik..... 16675

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
Excellent Bag Corp..... 16675

EDUCATION OFFICE

Rules

Metric Education Program..... 16765

Notices

Meetings:
Advisory Council on Women's Educational Program..... 16680
National Advisory Council on Education Professions Development; Cancellation..... 16680
National Advisory Council on Equality of Educational Opportunity..... 16679

ENERGY POLICY AND PROGRAMS OFFICE

Notices

Meetings:
National Industry Energy Council (2 documents)..... 16678

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

ERDA-Owned foreign inventions, availability for licensing..... 16692

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans:
South Dakota..... 16662

Notices

Pesticide registration:
Applications (7 documents)... 16686–16692

FARMERS HOME ADMINISTRATION

Proposed Rules

Chattel security; subordinations for capital expenditures..... 16660
Operating Loans; subordinations for capital expenditures..... 16660

Notices

Disaster areas:
California..... 16674
Iowa..... 16674
Missouri..... 16675

FEDERAL COMMUNICATIONS COMMISSION

Rules

Commission organization; amendments with respect to Office of Executive Director..... 16658

Notices

Meetings:
Domestic Land Mobile Radio Advisory Committee..... 16695
WARC Advisory Committee for Radio Relay..... 16695

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Suspension of trading:
Farmers Bank of the State of Delaware..... 16695

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Mandatory petroleum allocation regulations:
Crude oil supplier/purchaser rule..... 16662

FEDERAL HOME LOAN BANK BOARD
Notices
Applications, etc.:
Norton Savings and Loan Association ---- 16695

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance ---- 16645
Special hazard areas ---- 16646
National Flood Insurance Program; flood elevation determinations, etc.:
Missouri ---- 16655
New Jersey (2 documents) ---- 16654
North Dakota ---- 16654
Proposed Rules
National Flood Insurance Program; flood elevation determination:
North Dakota ---- 16661

FEDERAL MARITIME COMMISSION
Notices
Freight Forwarder Licenses:
El Faro De Cabo Rojo Shipping Co., Inc ---- 16696
Export Shipping Service Corp ---- 16696
SFO Airport Packing & Forwarding Co ---- 16696
Agreements filed, etc.:
Commodore Cruise Line, Ltd. and Biscayne Express Line, Inc ---- 16696
Tropical Steamship Cruises, Inc. and Bahamas Shipping Corp ---- 16696

FEDERAL POWER COMMISSION
Rules
Natural gas companies:
Statements and reports (schedules); alternate fuel demands, form No. 69; suspension of filing requirements ---- 16655
Notices
Meetings:
National Gas Survey, Executive Advisory Committee Subgroup ---- 16711
National Gas Survey, Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas Study Subgroup III: Liquid Based Substitute Gas ---- 16712
Hearings, etc.:
Boston Edison Co ---- 16697
Carolina Power & Light Co. (2 documents) ---- 16697, 16698
Connecticut Light & Power Co ---- 16698
Continental Oil Co. (2 documents) ---- 16699
Distrigas of Massachusetts Corp ---- 16699
Distrigas of Massachusetts Corp. and Distrigas Corp ---- 16700
El Paso Natural Gas Co ---- 16701
Florida Gas Transmission Co. and United Gas Pipe Line Co ---- 16701
Hartford Electric Light Co. (4 documents) ---- 16701, 16702
Iowa Electric Light & Power Co ---- 16702
Iowa Public Service Co ---- 16702
Kansas-Nebraska Natural Gas Company Inc ---- 16703
Lynco Oil Corp ---- 16704
National Fuel Gas Supply Corp ---- 16704
Nevada Power Co ---- 16705
New England Power Co. (2 documents) ---- 16705
North Penn Gas Co ---- 16705
Northeast Utilities ---- 16705
Northern Natural Gas Co ---- 16706
Shell Oil Co. and Southern Natural Gas Co ---- 16707
Tennessee Gas Pipeline Co. (2 documents) ---- 16709, 16710
Tennessee Gas Pipeline Co. and United Gas Pipe Line Co ---- 16709
Virginia Electric & Power Co ---- 16710

FEDERAL RAILROAD ADMINISTRATION
Notices
Locomotive inspection test program; report and order ---- 16680

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; application (4 documents) ---- 16669–16672

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Fenthion ---- 16655
Tylosin ---- 16656
Proposed Rules
Hearing aid devices; professional and patient labeling and conditions for sale ---- 16755
Notices
Food additives; petitions filed or withdrawn:
Calor Agriculture Research ---- 16679
Meeting:
Gastrointestinal Drugs Advisory Committee, Testing Subcommittee ---- 16679

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc ---- 16712

HAZARDOUS MATERIALS OPERATIONS OFFICE
Proposed Rules
Freight cars placarded "dangerous", switching of; withdrawal of proposal ---- 16661
Notices
Applications; exemptions, renewals, etc.:
PPG Industries, Inc. et al ---- 16681

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration.
Notices
Meeting:
Health Insurance Benefits Advisory Council ---- 16680

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Land Management Bureau; National Park Service.
Notices
Watches and watch movements; allocation of duty-free quotas; cross reference ---- 16674

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Glass fiber optic devices and instruments equipped with glass fiber optic devices ---- 16712
Reclosable plastic bags ---- 16713

INTERSTATE COMMERCE COMMISSION
Rules
Rail carriers:
Subsidies, rail service continuation; determination standards ---- ~~16665~~ 16781
Proposed Rules
Motor carriers:
Tariffs and schedules, passenger and express; round-trip excursion fares, posting and scheduling ---- ~~16781~~ 16665
Notices
Hearing assignments ---- 16720
Motor carriers:
Irregular route property carriers; gateway elimination ---- 16720
Transfer proceedings ---- 16720

JUSTICE DEPARTMENT
Proposed Rules
Voting Rights Act; language minority groups ---- 16773

LAND MANAGEMENT BUREAU
Proposed Rules
Oil and gas leasing; changes in filing fee for instrument of transfer and in rental rate for noncompetitive leases; extension of time ---- 16660
Notices
Geothermal resources; tentative lease schedules ---- 16668
Joint bidders, qualified, oil and gas production; list ---- 16667

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests (2 documents) ---- 16714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
NASA Research and Technology Advisory Council Panel on Aviation Safety and Operating Systems ---- 16713

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:
Literature Advisory Panel 16714

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Endangered species permits; applications (5 documents) .. 16676–16677

NATIONAL PARK SERVICE

Notices

Environmental statements; availability, etc.:
Fort Vancouver National Historic Site, Wash 16673
Glen Canyon National Recreation Area, Ariz 16674

NAVY DEPARTMENT

Notices

Meeting:
Chief of Naval Operations Executive Panel Advisory Committee 16667

PIPELINE SAFETY OPERATIONS OFFICE

Notices

Waiver of Gas Pipeline Safety Standard; petitions:
Michigan Wisconsin Pipe Line Co 16684

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
National Association of Securities Dealers, Inc 16716
National Fuel Gas Co., et al (2 documents) 16714, 16715
Presley Co 16717
Public Service Co. of Oklahoma .. 16717
Scudder, Stevens & Clark Common Stock Fund, Inc., et al .. 16718

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration; Hazardous Materials Operations Office; Pipeline Safety Operations Office.

TREASURY DEPARTMENT

See also Comptroller of the Currency; Customs Service.

Notices

Antidumping:
Metal - walled above - ground swimming pools from Japan .. 16667

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.

7 CFR

PROPOSED RULES:
1002 16660
1011 16660
1033 16660
1090 16660
1101 16660
1831 16660
1871 16660

10 CFR

PROPOSED RULES:
211 16662

18 CFR

3 16655
260 16655

19 CFR

PROPOSED RULES:
103 16659

21 CFR

524 16655
558 16656

PROPOSED RULES:
801 16756

24 CFR

1914 16645
1915 16646
1916 (4 documents) 16654, 16655

PROPOSED RULES:
1917 16661

28 CFR

PROPOSED RULES:
55 16774

40 CFR

PROPOSED RULES:
52 16662

41 CFR

4–1 16656
4–16 16656

43 CFR

PROPOSED RULES:
3100 16660

45 CFR

100a 16766
160a 16766

47 CFR

0 16658

49 CFR

1125 16782

PROPOSED RULES:
174 16661
1306 16665

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.

1 CFR

Ch. 1 13895
304 15321

PROPOSED RULES:

435 14496

3 CFR

PROCLAMATIONS:

4425 14363
4426 14723
4427 14997
4428 15395
4429 15679
4430 15819
4431 15821
4432 15823
4433 16133

EXECUTIVE ORDERS:

11790 (See EO 11912) 15825
11795 (Amended by EO 11910) 15681
11847 (See EO 11909) 15681
11909 14161
11910 15681
11911 15683
11912 15825

MEMORANDUMS:

January 2, 1973 (Amended by Memorandum of March 25, 1976) 14163
April 26, 1973 (See Memorandum of March 25, 1976) 14163
December 13, 1973 (See Memorandum of March 25, 1976) 14163
October 29, 1974 (See Memorandum of March 25, 1976) 14163
March 25, 1976 14163
April 16, 1976 16545

4 CFR

400 16135
410 16135

PROPOSED RULES:

415 14788

5 CFR

213 ..... 14165, 14501, 14999, 15397, 16145, 16547
550 14165
2402 14725

7 CFR

2 ..... 14170, 15322
6 15685
52 15016
53 14171
663 14172
701 15022
724 15023
728 16157
729 14175
730 ..... 13928, 14176
731 15397
905 15829
907 ..... 13928, 14176, 15023, 15831
908 ..... 13929, 14859, 15024
910 ..... 14177, 15025, 16158
911 ..... 15685, 16547
918 15830

7 CFR—Continued

930 14177
944 ..... 15829, 16548
959 ..... 13930, 15831
1124 15398
1406 15398
1430 14322
1434 15398
1472 14323
1520 14727
1801 ..... 14727, 14860
1807 16159
1808 16159
1822 ..... 13932, 15686
1823 13930
1841 13930
1872 13931
1890 13930
1890m 15830
1890p 13933
1890r 13933
1901 16159
1918 14727
2024 13933

PROPOSED RULES:

1 13938
29 14760
301 15422
724 16553
911 15859
917 14375
918 16469
981 15341
1002 16660
1011 ..... 14192, 16660
1033 ..... 14192, 16660
1036 15855
1090 ..... 14192, 16660
1099 14768
1101 ..... 14192, 16660
1205 15418
1207 15858
1701 15026
1823 14773
1831 16660
1871 16660

9 CFR

73 ..... 14501, 14999
76 ..... 15000, 16145
78 14501
94 15000
97 16145
307 15400
381 15400
445 14256
447 14256

10 CFR

2 15833
20 16445
30 16445
31 16446
32 16446
35 ..... 16446, 16448
40 16446
50 ..... 15834, 16446
51 15834
55 16447
70 16447
73 16447

10 CFR—Continued

140 16447
150 16447
210 13898
211 ..... 13898, 13899, 16448
212 ..... 13898, 13899, 15330, 15566, 16448, 16451
213 14260
215 13898

PROPOSED RULES:

140 13955
203 14261
205 14900
211 ..... 13955, 16662
212 ..... 13955, 16172, 16179, 16479
213 ..... 14900, 15033, 15035

12 CFR

7 15401
225 15687
265 14860
406 15402
600 15835
613 16451

PROPOSED RULES:

203 15719
225 14902
226 14194
329 14395
505a 14902
701 14792

13 CFR

115 16549
120 15404
122 16146
581 15835

PROPOSED RULES:

107 16580

14 CFR

39 ..... 13906, 13907, 14365, 14366, 14876–14878, 14881–14883, 15340, 15837, 16451, 16452
71 ..... 13907, 13908, 14878, 14883, 15837, 16452, 16453
73 ..... 13908, 14366
75 13909
93 ..... 14879, 15838
97 ..... 13907, 14880
103 15972
234 ..... 14367, 16146
288 14165
1204 16550

PROPOSED RULES:

21 14392
25 14393
36 15865
39 ..... 13950, 14894, 14895, 14898, 15349, 15863, 15864, 15868
71 ..... 13951, 13952, 14393, 14394, 14896, 14898, 15349, 15350, 15867, 15868, 15869, 16477
73 ..... 14394, 14896, 16477

14 CFR—Continued

PROPOSED RULES—Continued

75 ... 14395
91 ... 14393, 14897
121 ... 13952, 14393
123 ... 13952
135 ... 13952
139 ... 13953
152 ... 15350
202 ... 14787
207 ... 14193
208 ... 14193
212 ... 14193
214 ... 14193
217 ... 14193
241 ... 14193, 15031
249 ... 14193
250 ... 16478
371 ... 14193
389 ... 14193

15 CFR

370 ... 16161
371 ... 16161
373 ... 16161
374 ... 16161
377 ... 15001
385 ... 16161
386 ... 16161
389 ... 16161

PROPOSED RULES:

805 ... 16559

16 CFR

2 ... 16453
4 ... 16453
13 ... 13909, 14367, 14501–14506, 14728, 14729, 15688
1207 ... 13911, 15003

PROPOSED RULES:

443 ... 14903
451 ... 14534
456 ... 14194, 14903, 16183
1015 ... 16572
1201 ... 15873
1202 ... 14112
1500 ... 14790

17 CFR

145 ... 16288
211 ... 15839
240 ... 15842
275 ... 14507

PROPOSED RULES:

240 ... 14907, 16184
270 ... 13955, 13956

18 CFR

2 ... 15003
3 ... 16665
260 ... 16665

PROPOSED RULES:

2 ... 14531
701 ... 15425

19 CFR

145 ... 14730
153 ... 14731

PROPOSED RULES:

4 ... 14760
19 ... 14191
103 ... 16659

20 CFR

401 ... 16561
404 ... 13911
620 ... 15004
741 ... 16147

PROPOSED RULES:

410 ... 13940

21 CFR

Ch. 1 ... 16550
1 ... 14178, 16550
2 ... 14179, 14508
29 ... 16551
31 ... 14180
51 ... 16454
121 ... 14180, 14181, 14508, 15844, 16458
123 ... 14731
201 ... 15844
430 ... 14183
431 ... 14183
436 ... 14183
444 ... 14186
450 ... 14184, 15844
510 ... 14187, 14367, 14732
520 ... 14187
522 ... 14188
524 ... 14188, 16655
540 ... 14189
558 ... 14367, 14732, 15323, 16656
561 ... 14731, 15323
610 ... 15690
640 ... 14367
1301 ... 16460
1308 ... 14189, 16460, 16552

PROPOSED RULES:

1 ... 14382, 14769
2 ... 14769
18 ... 15702
31 ... 14193
36 ... 16470
51 ... 16475
121 ... 15029
128e ... 14526
310 ... 14888, 15026
430 ... 14384
436 ... 14384
440 ... 14384
700 ... 15026
801 ... 16756
1301 ... 14885
1303 ... 14398
1304 ... 14398
1308 ... 14885, 16487
1311 ... 14399, 16487

22 CFR

16 ... 13912

23 CFR

140 ... 15690

24 CFR

16 ... 13917
203 ... 14509
205 ... 14861
207 ... 14861
213 ... 14509, 14861
221 ... 14861
232 ... 14861
234 ... 14509
242 ... 14861
244 ... 14861
275 ... 14367
861 ... 15844
888 ... 14662

24 CFR—Continued

1914 ... 14756, 15700, 16645
1915 ... 14750, 16646
1916 ... 14368, 16147, 16654, 16655
1917 ... 14509–14513, 14862
1920 ... 14757, 14758
2205 ... 14758

PROPOSED RULES:

203 ... 15348
236 ... 15704
271 ... 15422
425 ... 15703
886 ... 16592
1917 ... 19341–19350, 14774–14787, 14890–14894, 15030, 15704–15710, 16562–16571, 15030, 15704–15710, 16562–16571, 16661

25 CFR

43h ... 15004
252 ... 13937

PROPOSED RULES:

252 ... 13938

26 CFR

1 ... 13918, 14368, 15404, 15690
10 ... 14862
20 ... 14513
301 ... 14368, 15690

PROPOSED RULES:

1 ... 14522
41 ... 14760
48 ... 14760
142 ... 14760

27 CFR

PROPOSED RULES:

4 ... 14522

28 CFR

PROPOSED RULES:

55 ... 16774

29 CFR

1908 ... 15004
1952 ... 14166, 15005

PROPOSED RULES:

94 ... 15182
95 ... 15182
96 ... 15182
98 ... 15182
403 ... 15032
1910 ... 16184
1952 ... 14541
1956 ... 14542

30 CFR

11 ... 13919

PROPOSED RULES:

55 ... 16163
56 ... 16163
57 ... 16163
70 ... 13939
75 ... 14102

31 CFR

211 ... 15846
500 ... 16553
505 ... 16556

32 CFR

174 ... 15410
1250 ... 13920
1285 ... 13921

32 CFR—Continued

PROPOSED RULES:

910 16463

33 CFR

117 ..... 13922, 15324
159 15324
208 15005

PROPOSED RULES:

157 15859
166 14391
401 16183

36 CFR

7 ..... 14863, 15008, 15690
50 16147

PROPOSED RULES:

7 13940
50 14525
221 ..... 14526, 16558
902 14536

37 CFR

2 16147

38 CFR

1 15009
3 ..... 14863, 15411
36 14864

PROPOSED RULES:

3 14907
21 14396
36 14198

39 CFR

PROPOSED RULES:

111 16579
3001 14903

40 CFR

52 ..... 15326–15328, 16460, 16461
180 ..... 13935, 14514, 15329, 16462
205 15538
407 16272
414 13936

PROPOSED RULES:

52 ..... 13954, 15350, 15424, 16662
180 ..... 14526, 14527, 14899, 15873, 15874
423 14792

41 CFR

4–1 16656
4–16 16656
14–1 15411
14H–1 13922
60–6 14517
60–741 16147
101 14732
101–11 ..... 14515, 14516
101–25 14865
101–26 14517
101–32 14517
114–38 15412

41 CFR—Continued

PROPOSED RULES:

Ch. 8 15877
101–35 14196

42 CFR

PROPOSED RULES:

38 16169

43 CFR

4 15009
1780 14734
2110 15851
2130 15851
2270 15851
2650 14734
3820 15852
4700 15009

PUBLIC LAND ORDERS:

5579 14370
5580 14370
5581 14518
5582 15853

PROPOSED RULES:

3100 16660
3103 14375
3130 14375

45 CFR

73 14740
100a 15691, 16439, 16766
100b 15691
100c 15691
146 15972
174 15690
160a 16766
187 16439
205 15329
228 14166
801 16155
1060 ..... 14370, 16445
1068 14371
1069 15009

PROPOSED RULES:

110b 15532
123 14986
124 15702
196 14384
250 15560
1160 16480

46 CFR

78 13923
530 16157

PROPOSED RULES:

Ch. I 15349
35 14386
58 14386
78 14386
97 14386
111 14386
112 14386
164 14389

46 CFR—Continued

PROPOSED RULES—Continued

196 14386
536 14792

47 CFR

0 ..... 14865, 16157, 16658
1 ..... 14750, 14865, 15698, 15849, 16157
2 15849
7 14750
43 15699
68 14875
73 14518
83 15413
95 ..... 15413, 15849

PROPOSED RULES:

15 14193
73 ..... 14899, 15031, 15425, 15711
76 ..... 15425, 15717
81 15719
83 15719
95 14527

49 CFR

1 14519
171 15993
172 ..... 15013, 15996
173 ..... 15013, 16059
174 16092
175 16106
176 16110
177 16130
230 15848
255 15847
567 13923
570 13923
571 14875
575 13923
604 14122
605 14127
840 13925
1003 13926
1033 ..... 13926, 14168, 14371, 14372, 14520, 14875, 15014, 15015, 15414, 15415, 15698, 15848
1125 16782
1249 14168
1307 15415

PROPOSED RULES:

10 15872
174 16661
179 16571
571 15870
802 15874
1109 16482
1306 16665

50 CFR

17 13926
18 14372
28 15416
33 ..... 14373, 14521, 14875, 14876, 15416
81 15016

PROPOSED RULES:

17 ..... 14886, 16466
18 15166
216 15173

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date	Pages	Date	Pages	Date
13895–14160	Apr. 1	14859–14996	8	15819–16131	15
14161–14362	2	14997–15319	9	16133–16438	16
14363–14499	5	15321–15394	12	16439–16543	19
14501–14721	6	15395–15677	13	16545–16643	20
14723–14857	7	15679–15817	14	16645–16787	21

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

DOT/FAA—Boeing 707-300/400/300B/300C Series Airplanes; airworthiness directive 11272; 3-18-76

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

Reconstitution of farms and allotments; effective date amended; comments by 4-26-76..... 12690; 3-26-76

Commodity Credit Corporation—

Tobacco; proposed loan and purchase program for 1976 crop; comments by 4-29-76..... 13363; 3-30-76

Forest Service—

Designated wilderness; proposed regulations governing certain lands; comments by 4-26-76.....

Rural Electrification Administration—

Drawing no. TM-33, typical chain link fence grounding; comments by 4-29-76 ..... 13364; 3-30-76

CIVIL AERONAUTICS BOARD

Overseas military personnel charters; proposed changes; comments by 4-28-76 ..... 12904; 3-29-76

Uniform System of Accounts and Reports for certificated air carriers; comments by 4-29-76.. 13616; 3-31-76

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

Bluefin tuna regulations; comments by 4-29-76..... 13364; 3-30-76

COMMODITY FUTURES TRADING COMMISSION

Submission of rules to commission; exceptions; comments by 4-30-76. 9528; 3-4-76

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans, Nebraska; comments by 4-28-76. 12905; 3-29-76

Benomyl; proposed tolerances; comments by 4-26-76.. 12305; 3-25-76

Water pollution; effluent guidelines for iron and steel manufacturing; comments by 4-28-76.. 13017; 3-29-76

FEDERAL COMMUNICATIONS COMMISSION

FM broadcast stations, table of assignments; comments by 4-28-76. 9190; 3-3-76

Comments by 4-30-76..... 13378; 3-30-76

Noncommercial educational FM stations; wider range of uses of FM multiplex channels; comments by 4-30-76. 11032; 3-16-76

FEDERAL ENERGY ADMINISTRATION

Entitlements program; modification to account for invoice adjustments and reporting errors; comments by 4-30-76 ..... 13899; 4-1-76

FEDERAL RESERVE SYSTEM

Bank Holding Companies; issuance of payment instruments; comments by 4-30-76 ..... 14902; 4-8-76

FEDERAL TRADE COMMISSION

Food advertising, trade regulation; comments by 4-30-76..... 8980; 3-2-76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

New animal drugs for which an approved applications is in effect; submission of advertising and promotional data; comments by 4-27-76 ..... 8496; 2-27-76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Real Estate Settlement; procedures; comments by 4-28-76..... 13032; 3-29-76

INTERIOR DEPARTMENT

Pictures, television productions or sound tracks; areas administered by Bureau of Indian Affairs; comments by 4-26-76 ..... 12689; 3-36-76

Indian Affairs Bureau—

Crow Indian Irrigation Project, Montana; operation and maintenance charges; comments by 4-26-76.. 12688; 3-26-76

National Park Service—

Fishing; Blue Ridge Parkway, N.C.; comments by 4-26-76..... 12304; 3-25-76

INTERSTATE COMMERCE COMMISSION

Uniform System of Accounts for Railroad Companies; comments by 4-30-76 ..... 13740; 3-31-76

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Ammonia; standard for exposure; extension of comment period; comments by 4-26-76..... 4943; 2-3-76

Nevada plan; proposed supplements; comments by 4-26-76..... 12716; 3-26-76

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Airworthiness directives; Boeing; comments by 5-1-76..... 12305; 3-25-76

Transition area; alteration; Allentown, Pa.; comments by 4-28-76. 12901; 3-29-76

Federal Highway Administration—

Driver's 4-day log; comments by 5-1-76 ..... 3311; 1-22-76

TREASURY DEPARTMENT

Customs Service—

Dutiability of foreign purchases, comments by 4-28-76..... 14760; 4-7-76

SECURITIES AND EXCHANGE COMMISSION

Interim financial reporting; increased disclosure by life insurance companies and related holding companies; comments by 4-30-76. 13626; 3-31-76

Next Week's Meetings

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

Nitrites and Nitrosamines, Expert Panel on, Washington, D.C. (open), 4-28-76 ..... 15463; 4-13-76

CIVIL RIGHTS COMMISSION

California Advisory Committee, San Francisco, Calif. (open), 5-1-76. 1557; 4-9-76

Massachusetts Advisory Committee, Boston, Mass. (open), 4-28-76. 14210; 4-2-76

Michigan Advisory Committee, Rochester, Mich. (open), 4-30-76..... 15057; 4-9-76

CIVIL SERVICE COMMISSION

Federal Employees Pay Council, Wash., D.C. (closed), 4-28-76..... 14211; 4-2-76

COMMERCE DEPARTMENT

Economic Advisory Board, Washington, D.C. (open), 4-28-76..... 12322; 3-25-76

Domestic and International Business Administration—

Industry Advisory Committee on Metal Scrap Problems, Washington, D.C. (open), 4-27-76..... 12078; 3-23-76

National Oceanic and Atmospheric Administration—

Marine Fisheries Advisory Committee Subcommittee on Planning for Extended Jurisdiction, Sterling, Va. (open), 4-27 and 4-28-76. 12322; 3-25-76

DEFENSE DEPARTMENT

DDR&E High Energy Laser Review Group, Silver Spring, Md. (closed), 4-27 and 4-28-76.. 14200; 4-2-76

Air Force Department—

USAF Scientific Advisory Board, Washington, D.C. (closed), 4-27 and 4-28-76..... 9247; 3-3-76

Army Department—

Board of Visitors, United States Military Academy, West Point, N.Y. and Washington, D.C., 4-27, 4-28, and 4-29-76 ..... 14805; 4-7-76

FEDERAL COMMUNICATIONS COMMISSION

Private Land Mobile Advisory Committee, Washington, D.C.; 4–27–76. 14818; 4–7–76

Radio Technical Commission for Marine Services, San Diego, Calif. (open), 4–26 through 4–28–76..... 15066; 4–9–76

FEDERAL ENERGY ADMINISTRATION

Retail Dealers Advisory Committee, San Francisco, Calif. (open), 4–26–76. 12089; 3–23–76

FEDERAL POWER COMMISSION

Federal Power Bar Association, Committee on Certificates and Authorizations Under the Natural Gas Act; and Office of General Counsel, on issuance of temporary certificates, Washington, D.C. (open), 4–29–76. 15451; 4–13–76

Supply-Technical Advisory Task Force—Regulatory Aspects of Substitute Gas, Washington, D.C. (open), 4–27–76. 15095; 4–9–76

GENERAL SERVICES ADMINISTRATION

Archives Advisory Council, Chicago, Ill. (open), 4–28–76.... 12248; 3–24–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

National Advisory Council on Services and Facilities for the Developmentally Disabled, Washington, D.C. (open), 4–26, 4–27, and 4–28–76.... 12330; 3–25–76

Education Office—

National Advisory Council on Adult Education, Denver, Colo. (open), 4–30–76 ..... 13980; 4–1–76

Food and Drug Administration—

Clinical Chemistry and Statistics Subcommittees of the Diagnostic Products Advisory Committee, Washington, D.C. (open with restrictions), 4–26 and 4–27–76.. 11339, 3–18–76

Panel on Review of Hemorrhoidal Drug Products, Rockville, Md. (open with restrictions), 4–30 and 5–1–76 ..... 11340; 3–18–76

Psycopharmacological Agents Advisory Committee, Rockville, Md. (open), 4–28–76..... 13387; 3–30–76

Psychopharmacological Agents Advisory Committee, Rockville, Md. (open with restrictions), 4–29–76. 11340; 3–18–76

Health Services Administration—

Interagency Committee on Emergency Medical Services, Rockville, Md. (open), 4–26–76..... 13980; 4–1–76

INTERIOR DEPARTMENT

Land Management Bureau—

Rock Springs District Multiple Use Advisory Board, Rock Springs, Wyo. (open), 4–29–76..... 12311; 3–25–76

Safford District Multiple Use Advisory Board, Safford, Ariz. (open), 4–28 and 4–29–76.... 11330; 3–18–76

National Park Service—

Mid-Atlantic Regional Advisory Committee, Philadelphia, Pa. (open), 4–26 and 4–27–76..... 13971; 4–1–76

Southeast Regional Advisory Committee, Morehead City, N.C. (open), 4–28 and 4–29–76..... 15045; 4–9–76

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

Higher Education Equal Employment Opportunity Programs, General Advisory Committee, Washington, D.C. (open), 4–28–76..... 15495; 4–13–76

Occupational Safety and Health Administration—

Federal Advisory Council on Occupational Safety and Health, Washington, D.C. (open), 4–29–76. 15076; 4–9–76

National Advisory Committee on Occupational Safety and Health, Washington, D.C. (open), 4–27–76. 15076; 4–9–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA Research and Technology Advisory Council Aerodynamics and Configurations Committee, Hampton, Va. (open), 4–28 through 4–30–76. 15070; 4–9–76

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel (Jazz), New York, N.Y. (partially closed), 4–26 and 4–27–76 ..... 15451; 4–13–76

NATIONAL SCIENCE FOUNDATION

Ethical and Human Value Implications of Science and Technology Advisory Committee, Washington, D.C. (closed), 4–26–76.... 14218; 4–2–76

Subpanel on Alternatives in Higher Education, Washington, D.C. (open), originally scheduled (41 FR 12359, 3–25–76) for 4–15 and 16, postponed until 4–22 and 4–23–76. 15071; 4–9–76

SMALL BUSINESS ADMINISTRATION

Atlanta District Advisory Council, Jekyll Island, Ga. (open), 4–30–76.... 6344; 2–12–76

Boise District Advisory Council, Boise, Idaho (open), 4–26–76..... 14829; 4–7–76

Casper District Advisory Council, Casper, Wyo. (open), 4–30–76. 14455; 4–5–76

Columbus District Advisory Council, Columbus, Ohio (open), 4–29–76. 14828; 4–7–76

Houston District Advisory Council, Houston, Texas (open), 4–27–76. 14829; 4–7–76

New York District Advisory Council, New York, New York (open), 4–28–76. 14828; 4–7–76

Providence District Advisory Council, Providence, Rhode Island (open), 4–30–76 ..... 14828; 4–7–76

Wichita District Advisory Council, Wichita, Kansas (open), 4–27–76. 14829; 4–7–76

SECURITIES AND EXCHANGE COMMISSION

SEC Report Coordinating Group (Advisory), Washington, D.C. (open), 4–26–76 ..... 14022; 4–1–76

STATE DEPARTMENT

Shipping Coordinating Committee, Washington, D.C. (open), 4–29–76. 9573; 3–5–76

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Radio Technical Commission for Aeronautics, Washington, D.C. (open), 4–29 and 4–30–76..... 12917; 3–29–76

National Highway Traffic Safety Administration—

Youth Highway Safety Advisory Committee; Washington, D.C. (open), 4–24 and 4–25–76..... 14920; 4–8–76

TREASURY DEPARTMENT

Office of the Secretary—

Debt Management Advisory Committees, Washington, D.C. (closed), 4–27 and 4–28–76..... 12071; 3–23–76

VETERANS ADMINISTRATION

Health Manpower Training Assistance Review Committee, Washington, D.C. (open with restrictions), 4–26 and 27, 4–29 and 30–76.... 12779; 3–26–76

WAGE AND PRICE STABILITY COUNCIL

Data needs for State and local government employees compensation, Washington, D.C. (open), 4–30–76. 14920; 4–8–76

Impact on Government Regulation on the Steel Industry, Washington, D.C. (open), 4–28–76..... 13982; 4–1–76

Next Week's Public Hearings

AMERICAN INDIAN POLICY REVIEW COMMISSION

Investigation of the Urban, Rural, and Non-Reservation Indians, Denver, Colo., 4–28–76..... 13981; 4–1–76

COMMISSION ON FEDERAL PAPERWORK

Improving and simplifying IRS forms, Washington, D.C., 4–29–76.. 15441; 4–13–76

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. 12725..... Pub. L. 94–267

An act to amend the Internal Revenue Code of 1954 to permit tax-free rollovers of distributions from employee retirement plans in the event of plan termination, Apr. 15, 1976; 90 Stat. 365

rules and regulations

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

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

Title 24—Housing and Urban Development

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

[Docket No. FI-1,038]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally elated financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Alabama	Etowah	Gadsen, city of	Apr. 12, 1976, emergency	Mar. 8, 1974	010080
California	Contra Costa	Brentwood, city of	do	Feb. 7, 1975	060139
Georgia	Walton	Good Hope, city of	do	Apr. 4, 1975	130111
Indiana	Cass	Galveston, town of	do	Feb. 21, 1975	180356
Do	Wells	Unincorporated areas	do	Dec. 13, 1974	180288
Maine	Somerset	Canaan, town of	do	do	230356
New York	Otsego	Morris, town of	do	Nov. 15, 1974	361273
North Dakota	Renville	McKinney, township of	do	do	[1] 380311
Oklahoma	Delaware	Grove, town of	do	do	400385
Pennsylvania	Armstrong	North Buffalo, township of.	do	Apr. 5, 1974	421310
South Carolina	Aiken	Jackson, town of	do	May 17, 1974	450005
*	*	*	*	*	*
Arizona	Apache	Eagar, town of	Apr. 13, 1976, emergency	Aug. 8, 1975	040103
Do	Pinal	Mammoth, town of	do	Dec. 7, 1973	040086
Arkansas	Jefferson	Redfield, city of	do	Apr. 18, 1975	050282
Do	Grant	Sheridan, city of	do	Apr. 25, 1975	050367
Kansas	Pawnee	Rozel, city of	do	Jan. 3, 1975	200260
Louisiana	Evangeline	Ville Platte, town of	do	May 17, 1974 Feb. 13, 1976	220070A
New York	Chautauqua	Carroll, town of	do	Sept. 20, 1974	360994
North Carolina	Vance	Henderson, city of	do	Apr. 25, 1975	370367
Pennsylvania	Allegheny	Chalfant, borough of	do	do	420021
Do	Centre	Liberty, township of	do	do	421196
Do	Armstrong	Parker City, city of	do	June 14, 1974	420009
*	*	*	*	*	*
Alabama	Hale	Unincorporated areas	Apr. 14, 1976, emergency		010094
Michigan	Ingham	Locke, township of	do		[1] 260671
Nebraska	Webster	Unincorporated areas	do		310232
Ohio	Clermont	do	do		390965
Oklahoma	Pittsburg	Pittsburg, town of	do	Nov. 8, 1974	400171
Pennsylvania	Chester	East Nantmeal, township of.	do	Dec. 20, 1974	421481
Do	Mercer	Perry, township of	do	Jan. 31, 1975	422487
Do	Perry	Tuscarora, township of	do	Jan. 17, 1975	421960
South Dakota	Charles Mix	Lake Andes, city of	do	Feb. 7, 1975	460187
Utah	Sevier	Annabella, town of	do	Jan. 10, 1975	490122
*	*	*	*	*	*
Arkansas	Montgomery	Mount Ida, city of	Apr. 15, 1976, emergency	Apr. 11, 1975	050353
Florida	Martin	Ocean Breeze Park, town of.	do	Aug. 2, 1974	120163A
Illinois	Jackson	Elkville, village of	do	Mar. 28, 1975	170876
Do	Montgomery	Nokomis, city of	do	Mar. 29, 1974	170515
Maine	Hancock	Sullivan, town of	do	Mar. 14, 1975	230295
Nebraska	Brown	Ainsworth, city of	do	Sept. 12, 1975	310338
New York	Essex	Newcomb, town of	do	Jan. 24, 1975	361390
Pennsylvania	Crawford	Linesville, borough of	do	Jan. 10, 1975	421500
*	*	*	*	*	*
Florida	Palm Beach	Belle Glade, city of	Apr. 16, 1976, emergency	July 19, 1974	120194A
Indiana	Hendricks	Plainfield, town of	do	Feb. 1, 1974 Sept. 26, 1975	180089A
Maine	Kennebec	Rome, town of	do	Dec. 27, 1974	230246
New York	Clinton	Peru, town of	do	Feb. 21, 1975	361384
Do	Chenango	Pharsalia, town of	do	Oct. 18, 1974	361091
North Carolina	Gaston	Unincorporated areas	do	Feb. 14, 1975	370099
Do	Moore	Robbins, town of	do	Nov. 22, 1974	370166
Ohio	Perry	Crooksville, village of	do	Feb. 1, 1974	390441
Do	Portage	Streetsboro, city of	do		390797
Oklahoma	Osage	Hominy, city of	do	Dec. 28, 1973 Jan. 9, 1976	400151A
Do	Washington	Ramona, town of	do	July 19, 1974 Dec. 5, 1975	400222A
Tennessee	Hardin	Unincorporated areas	do		470082
Texas	Tarrant	Saginaw, city of	do	Mar. 8, 1974	480610
Virginia	Giles	Glen Lyne, town of	do	Nov. 15, 1974	510289

[1] New community number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Devedopment Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended (39 FR 2787, Jan. 24, 1974.)

Issued: April 8, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11226 Filed 4-20-76;8:45 am]

[Docket No. FI-1,039]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

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

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

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

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

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

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

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Morgan	Somerville, city of.	H 010363 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Route No. 1, Somerville, Ala. 35070.	June 4, 1976.
Arizona	Maricopa	Glendale, city of.	H 040045A 01 through H 040045A 20	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, 7022 North 58th Dr., P.O. Box 1556, Glendale, Ariz. 85311.	July 26, 1974. Apr. 9, 1976.
Arkansas	Boone	Everton, town of.	H 050019A 01	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town Hall, Everton, Ark. 72633.	Aug. 30, 1974. Apr. 9, 1976.
Do	Drew	Wilmar, city of.	H 050076 01 through H 050076 02	do	Mayor, City Hall, Wilmar, Ark. 71675.	June 4, 1976.
California	Orange	Buena Park, city of.	H 060215A 01 through H 060215A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Director of Public Works, City Hall, 6650 Beach Blvd., Buena Park, Calif. 90620.	Nov. 1, 1974. Apr. 9, 1976.
Do	Contra Costa	Concord, city of.	H 065022A 01 through H 065022A 11	do	Mayor, 1950 Parkside, Concord Civic Center, Concord, Calif. 94519.	June 28, 1974. Apr. 9, 1976.
Do	Orange	Cypress, city of.	H 060217A 01 through H 060217A 02	do	City Engineer, 5275 Orange Ave., Cypress, Calif. 90630.	June 7, 1974.
Do	do	La Habra, city of.	H 060224A 01 through H 060224A 02	do	City Engineer, Civic Center, La Habra, Calif. 90631.	May 3, 1974. Apr. 9, 1976.
Do	do	La Palma, city of.	H 060225A 01 through H 060225A 02	do	City Engineer/Director of Public Works, City Hall, 7822 Walker St., La Palma, Calif. 90623.	June 14, 1974. Apr. 9, 1976.
Do	Sierra	Loyalton, city of.	H 060361 01	do	Mayor, City Hall, Loyalton, Calif. 96118.	June 4, 1976.
Do	Santa Clara	San Jose, city of.	H 060349A 01 through H 060349A 64	do	Director of Public Works, Room 308, City Hall, San Jose, Calif. 96112.	Jan. 24, 1975. Apr. 9, 1974.
Do	Orange	Santa Ana, city of.	H 060232A 01 through H 060232A 10	do	Director, Department of Public Works, 20 Civic Center Plaza, Santa Ana, Calif. 92701.	June 21, 1974. Apr. 9, 1976.
Do	do	Seal Beach, city of.	H 060233A 01 through H 060233A 05	do	Mayor, City Hall, 211 8th St., Seal Beach, Calif. 90740.	June 21, 1974. Apr. 9, 1976.
Do	San Mateo	Woodside, town of.	H 060330A 01 through H 060330A 07	do	Mayor, 3195 Woodside Dr., Town Hall, Woodside, Calif. 94062.	June 14, 1974. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Colorado	Gilpin	Central City, city of.	H 080077A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Insurance Commission, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall, 117 Eureka, P.O. Box 247, Central City, Colo. 80427.	Aug. 30, 1974. Apr. 9, 1976.
Do	Rio Blanco	Meeker, town of	H 080151A 01	do	Mayor, Town Hall, 236 7th, Box 38, Meeker, Colo. 81641.	June 28, 1974. Apr. 9, 1976.
Do	Eagle	Minturn, town of	H 080053A 01 through H 080053A 02	do	Mayor, 195 Pine St., P.O. Box 381, Town Hall, Minturn, Colo. 81645.	Aug. 16, 1974. Apr. 9, 1976.
Do	Boulder	Superior, town of.	H 080203 01	do	Mayor, c/o Charlene Flo Rogers, Chairman of Coal Cr. Comm., 211 South 4th Ave., Rural Route Louisville, Superior, Colo. 80027.	June 4, 1976.
Florida	Broward	Oakland Park, city of.	H 120050A 01 through H 120050A 03	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, P.O. Box 23070, Oakland Park, Fla. 32760.	June 28, 1974. Apr. 9, 1976.
Do	Putnam	Palatka, town of	H 120273A 01 through H 120273A 04	do	Mayor, P.O. Drawer 1100, Palatka, Fla. 32077.	July 19, 1974. Apr. 9, 1976.
Do	St. Lucie	Port St. Lucie, city of.	H 120287A 01 through H 120287A 19	do	Mayor, City Hall, Port St. Lucie, Fla.	Dec. 13, 1974. Apr. 9, 1976.
Georgia	Rabun	Dillard, city of	H 130446 01 through H 130446 04	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, Route No. 1, Dillard, Ga. 30537.	June 4, 1976.
Do	Screven	Sylvania, city of	H 130163A 01 through H 130163A 02	do	Mayor, P.O. Box 555, Sylvania, Ga. 30467.	June 7, 1974. Apr. 9, 1976.
Do	Thomas	Thomasville, city of.	H 130170A 01 through H 130170A 06	do	Mayor, 144 East Jackson St., Thomasville, Ga. 31792.	June 7, 1974. Apr. 9, 1976.
Do	Ware	Waycross, city of	H 130186A 01 through H 130186A 04	do	Mayor, P.O. Drawer 198, Waycross, Ga. 31804.	May 24, 1974. Apr. 9, 1976.
Idaho	Idaho	Ferdinand, city of.	H 160068A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Ferdinand, Idaho 83526.	Sept. 6, 1974. Apr. 9, 1976.
Illinois	Iroquois and Kankakee.	Chebanse, village of.	H 170288A 01	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Village Hall, Chebanse, Ill. 60922.	June 28, 1974.
Do	Cook	Country Club Hills, city of.	H 170078B 01 through H 170078B 02	do	Mayor, 3700 West 175 Place, Country Club Hills, Ill. 60515.	Apr. 5, 1974. Feb. 14, 1975. Apr. 9, 1976.
Do	McLean	Danvers, village of.	H 170495A 01	do	Village President, Village Council Room, Danvers, Ill. 61732.	June 28, 1974. Apr. 9, 1976.
Do	Madison	East Alton, village of.	H 170440A 01 through H 170440A 03	do	Village President, P.O. Box 270, East Alton, Ill. 62024.	May 17, 1974. Apr. 9, 1976.
Do	Fulton	Ellisville, village of.	H 170889A 01	do	Mayor, Village Hall, Ellisville, Ill. 61431.	Mar. 22, 1974.
Do	Henry	Galva, city of	H 170283A 01	do	Mayor, 210 Front St., P.O. Box 171, Galva, Ill. 61434.	June 14, 1974.
Do	Piatt	Hammond, village of.	H 170548A 01	do	Mayor, Box 207, Hammond, Ill. 61929.	June 14, 1974. Apr. 9, 1976.
Do	Iroquois	Iroquois, village of.	H 170793A 01	do	Mayor, Village Hall, Iroquois, Ill. 50945.	Oct. 18, 1974. Apr. 9, 1976.
Do	Henry	Kewanee, city of	H 170286A 01 through H 170286A 02	do	Mayor, 200 West 3d St., Kewanee, Ill. 61443.	May 17, 1974. Apr. 9, 1976.
Do	McLean	Leroy, city of	H 170499A 01	do	Mayor, 111 East Center St., Leroy, Ill. 61752.	Aug. 9, 1974.
Do	Hamilton	McLeansboro, city of.	H 170266A 01	do	Mayor, City Hall, McLeansboro, Ill. 62859.	Mar. 22, 1974. Apr. 9, 1976.
Do	Lake	North Chicago, city of.	H 170384A 01 through H 170384A 03	do	Mayor, 1850 Lewis Ave., North Chicago, Ill. 60064.	Apr. 5, 1974. Apr. 9, 1976.
Do	do	Park City, city of.	H 170386A 01	do	Mayor, 3420 Kehm Blvd., Park City, Ill. 60085.	Mar. 1, 1974. Apr. 9, 1976.
Do	Whiteside	Prophetstown, city of.	H 170692A 01	do	Mayor, P.O. Box 85, Prophetstown, Ill. 61277.	Mar. 29, 1974. Apr. 9, 1976.
Do	McHenry	Richmond, village of.	H 170484A 01	do	Village President, 10308 Main St., Richmond, Ill. 60071.	Apr. 5, 1974.
Do	Cook	Riverside, village of	H 170153A 01	do	Village President, Univerity Hall, 27 Riverside Rd., Riverside, Ill. 60546.	Feb. 1, 1974. April 9, 1976.
Do	Whiteside	Rock Falls, city of	H 170694A 01 through H 170694A 03	do	Mayor, 603 West 10th St., Rock Falls, Ill. 61071.	Mar. 22, 1974. Apr. 9, 1976.
Do	De Kalb	Sandwich, city of.	H 170188A 01 through H 170188A 02	do	Mayor, 144 East Railroad St., Sandwich, Ill. 60548.	Mar. 1, 1974. Apr. 9, 1976.
Do	Cook	Schiller Park, village of.	H 170159A 01 through H 170159A 03	do	Village President, 9526 Irvin Park Rd., Schiller Park, Ill. 60176.	Nov. 9, 1973. Apr. 9, 1976.
Do	Kane	Sleepy Hollow, village of.	H 170331A 01	do	Village President, Thoroughbred Lane, Ill. 60118.	Apr. 12, 1974. Apr. 9, 1976.
Do	Cook	South Chicago Heights, village of.	H 170162A 01	do	Village President, 2729 Jackson Ave., South Chicago Heights, Ill. 60411.	Apr. 12, 1974. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Whiteside	Sterling, city of	H 170093A 01 through H 170093A 02	do	Mayor, 212 3d Ave., Sterling, Ill. 61081.	May 3, 1974.
Do	Cook	Stickney, village of.	H 170164A 01 through H 170164A 02	do	Village President, 6533 35 West Pershing Rd., Berwyn, Ill. 60402.	Mar. 29, 1974.
Do	do	Summit, village of.	H 170167A 01	do	Village President, 5810 South Archer Rd., Summit, Ill. 60501.	May 10 1974.
Do	Kendall	Yorkville, city of	H 170347A 01	do	Mayor, P.O. Box O, Yorkville, Ill. 60560.	Mar. 29. 1974. Apr. 9, 1976.
Indiana	Newton	Brook, town of	H 180180A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President of the Town Board, Brook, Ind. 47922.	Dec. 7, 1973. Apr. 9, 1976.
Do	Jackson	Brownstown, town of.	H 180317A 01	do	Town Board President, 200 West Walnut St., Brownstown, Ind. 47220.	Nov. 23, 1973.
Do	Lake	East Chicago, city of.	H 180130A 01 through H 180130A 03	do	Mayor, 4525 Indianapolis, Blvd., East Chicago, Ind. 46312.	Apr. 12, 1974. Apr. 9, 1976.
Do	Delaware	Eaton, town of	H 180052A 01	do	President of Board, 100 North Hartford St., Eaton, Ind. 47338.	Nov. 23, 1973. Apr. 9, 1976.
Do	Monroe	Ellettsville, town of.	H 180170A 01	do	President Town Board, P.O. Box 8, Ellettsville, Ind. 47425.	June 14, 1974. Apr. 9, 1976.
Do	Grant	Gas City, city of	H 180075A 01	do	Mayor, 211 East Main St., Gas City, Ind. 46133.	July 19, 1974. Apr. 9, 1976.
Do	Floyd	Georgetown, town of.	H 180063A 01	do	Mayor, P.O. Box 127, Georgetown, Ind. 47122.	Dec. 28, 1973. Apr. 9, 1976.
Do	Starke	Hamlet, town of	H 180241A 01 through H 180241A 02	do	President of Board, Town Hall, Hamlet, Ind. 46532	June 21, 1974. Apr. 9, 1976.
Do	Allen	Huntertown, town of.	H 180005A 01	do	Mayor, Town Hall, Huntertown, Ind. 46748.	May 31, 1974. Apr. 9, 1976.
Do	Porter	Ogden Dunes, town of.	H 180206A 01	do	President of the Board of Trustees, P.O. Box 530, Ogden Dunes, Ind. 46368.	May 31, 1974.
Do	Steuben	Orland, town of	H 180250A 01	do	Chairman of Town Board, Orland, Ind. 46776.	May 31, 1974. Apr. 9, 1976.
Do	Orange	Orleans, town of	H 180188A 01	do	Town Board President, Town Hall, Orleans, Ind. 47452.	May 31, 1974. Apr. 9, 1976.
Do	Randolph	Ridgeville, town of.	H 180341A 01	do	Town Board President, P.O. Box 43, Ridgeville, Ind. 47380.	Nov. 30, 1973. Apr. 9, 1976.
Do	Fulton	Rochester, city of	H 180071A 01	do	Mayor, Box 110, Rochester, Ind. 46925.	Feb. 15, 1974. Apr. 9, 1976.
Do	Lake	St. John, town of	H 180141A 01 through H 180141A 04	do	Town Board President, 11033 West 93d St., St. John, Ind. 46373.	Nov. 30, 1973. Apr. 9, 1976.
Do	Henry	Sulphur Springs, town of.	H 180349A 01	do	Town Board, P.O. Box 1, Sulphur Springs, Ind. 47388.	Feb. 1, 1974. Apr. 9, 1976.
Do	Madison	Summitville, town of.	H 180157A 01	do	Town Board President, 208 South Main St., Summitville, Ind. 46070.	May 24, 1974.
Do	Porter	Valparaiso, city of.	H 180204A 01 through H 180204A 04	do	Mayor, 16 Indiana Ave., Valparaiso, Ind. 46383.	Jan. 9, 1974. Apr. 9, 1976.
Do	De Kalb	Waterloo, city of	H 180050A 01 through H 180050A 02	do	Town Board President, 600 West Maple St., Waterloo, Ind. 46793.	Jan. 16, 1974. Apr. 9, 1976.
Do	Montgomery	Waynetown, town of.	H 180175A 01	do	Town Board President, Town Hall, Waynetown, Ind. 47990.	May 31, 1974. Apr. 9, 1976.
Iowa	Cass	Atlantic, city of	H 190049A 01 through H 190049A 04	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Atlantic, Iowa 50022.	May 3, 1974. Apr. 9, 1976.
Do	Crawford	Charter Oak, city of.	H 190094 01	do	Mayor, City Hall, Charter Oak, Iowa 51439.	June 4, 1976.
Do	Van Buren	Farmington, city of.	H 190267A 01	do	Mayor, City Hall, Farmington, Iowa 52626.	Jan. 9, 1974. Apr. 9, 1976.
Do	Worth	Hanlontown, city of.	H 190833 01 through H 190833 02	do	Mayor, City Hall, Hanlontown, Iowa 50444.	June 4, 1976.
Do	Van Buren	Keosaugua, city of.	H 190268A 01 through H 190268A 04	do	Mayor, City Hall, Keosaugua, Iowa 52565.	Jan. 16, 1974. Apr. 9, 1976.
Do	Linn	Mount Vernon, city of.	H 190192 01 through H 190192 02	do	Mayor, City Hall, Mount Vernon, Iowa 52314.	June 4, 1976.
Do	Story	Story City, city of.	H 190259A 01	do	City Administrator, City Hall, Story City, Iowa 50248.	May 31, 1974. Apr. 9, 1976.
Do	Keokuk	What Cheer, city of.	H 190179A 01 through H 190179A 02	do	Mayor, City Hall, What Cheer, Iowa 50268.	Jan. 9, 1974. Apr. 9, 1976.
Do	Story	Zearing, city of	H 190260A 01	do	Mayor, City Hall, Zearing, Iowa 50278.	July 19, 1974. Apr. 9, 1976.
Kansas	Pawnee	Garfield, city of	H 200412 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Garfield, Kans. 67529.	June 4, 1976.
Kentucky	Montgomery	Mount Sterling, city of.	H 210234A 01 through H 210234A 03	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, 40 Broadway, Mount Sterling, Ky. 40353.	May 10, 1974. Apr. 9, 1976.
Do	Greenup	Raceland, town of	H 210089A 01	do	Mayor, City Bldg., Raceland, Ky. 41169.	Feb. 8, 1974. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Louisiana	West Carroll Parish.	Epps, village of	H 220283 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Epps, La. 71237	June 4, 1976.
Do	Terrebonne Parish.	Houma, city of	H 220220A 01 through H 220220A 05	do	Mayor, City Hall, Houma, La. 70360	Nov. 28, 1973. Apr. 9, 1976.
Do	St. Landry Parish.	Palmetto, village of.	H 220174A 01	do	Mayor, Village Hall, Palmetto, La. 71358.	Sept. 13, 1974. Apr. 9, 1976.
Do	West Carroll Parish.	Pioneer, Village of.	H 220244 01	do	Mayor, Village Hall, Pioneer, La. 71266.	June 4, 1976.
Do	Tangipahoa Parish.	Roseland, town of.	H 220212A 01	do	Mayor, Town Hall, Roseland, La. 70456.	Oct. 26, 1973. Apr. 9, 1976.
Do	Tensas Parish	St. Joseph, town of.	H 220217A 01 through H 220217A 03	do	Mayor, Town Hall, St. Joseph, La. 71366.	June 14, 1974.
Massachusetts	Middlesex	Natick, town of	H 250207A 01 through H 250207A 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Planning Director, Town Hall, 17 West Central St., Natick, Mass. 01760.	July 26, 1974. Apr. 9, 1976.
Do	Hampshire	Worthington, town of.	H 250175A 01 through H 250175A 15	do	Chairman, Board of Selectmen, Worthington, Mass. 01098.	June 28, 1974. Apr. 9, 1976.
Minnesota	Wabasha and Goodhue.	Lake City, city of.	H 270486A 01 through H 270486A 06	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, 205 West Center St., Lake City, Minn. 55041.	Mar. 15, 1974. Apr. 9, 1976.
Do	Chicago	North Branch, city of.	H 270072A 01	do	Mayor, City Hall, North Branch, Minn. 55056.	May 10, 1974. Apr. 9, 1976.
Mississippi	Lawrence	Silver Creek, town of.	H 280226 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, P.O. Box 48, Silver Creek, Miss. 39663.	June 4, 1976.
Missouri	Reynolds and Dent.	Bunker, city of	H 290419A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Bunker, Mo. 63629	Sept. 6, 1974. Apr. 9, 1976.
Do	Pulaski	Dixon, city of	H 290726 01 through H 290726 02	do	Mayor, City Hall, Dixon, Mo. 65459	June 4, 1976.
Do	Schuyler	Downing, city of	H 290614 01 through H 290726 02	do	Mayor, City Hall, Downing, Mo. 63536	Do.
Do	Franklin	Gerald, city of	H 290734 01	do	Mayor, City Hall, Gerald, Mo. 63037	Do.
Do	Jackson	Greenwood City, city of.	H 290711 01	do	Mayor, City Hall, Maine and Spruce, Greenwood, Mo. 64034.	Do.
Do	Marion and Ralls	Hannibal, city of	H 290233A 01 through H 290233A 05	do	Mayor, City Hall, 4th and Broadway Sts., Hannibal, Mo. 63401.	June 21, 1974. Apr. 9, 1976.
Do	Caldwell	Kingston, city of	H 290583 01	do	Mayor, City Hall, Kingston, Mo. 64650.	June 4, 1976.
Do	McDonald	Lanagan, city of	H 290559 01	do	Mayor, City Hall, Lanagan, Mo. 64847	Do.
Do	Clay and Ray	Lawson, city of	H 290705 01	do	Mayor, City Hall, Lawson, Mo. 64062	Do.
Montana	Musselshell	Roundup, city of	H 300050A 01 through H 300050A 02	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601 Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Roundup, Mont. 59072.	June 28, 1974. Apr. 9, 1976.
Nebraska	Otoe	Dunbar, village of	H 310163A 01	Nebraska Natural Resources, Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Hall, Dunbar, Nebr. 68346.	Sept. 6, 1974. Apr. 9, 1976.
Do	Pawnee	Pawnee City, city of.	H 310170A 01	do	Mayor, City Hall, Pawnee City, Nebr. 68420.	Oct. 25, 1974. Apr. 9, 1976.
Do	Cass	Plattsmouth, city of.	H 310033A 01 through H 310033A 02	do	Mayor, City Hall, Platts.outh, Nebr. 68048.	May 10, 1974. Apr. 9, 1976.
New Hampshire	Merrimack	Pittsfield, town of.	H 330120A 01 through H 330120A 08	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Board of Selectman, Town Hall, Pittsfield, N.H. 03263.	Mar. 15, 1974. Apr. 9, 1976.
Do	Grafton	Plymouth, town of.	H 330072A 01 through H 330072A 11	do	Selectmen, Office of Selectmen, Plymouth, N.H. 03264.	May 3, 1974. Apr. 9, 1976.
New Jersey	Bergen	Closter, borough of.	H 340023A 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 295 Closter Dock Rd., Closter, N.J. 07624.	Sept. 6, 1974. Apr. 9, 1976.
Do	Salem	Salem, city of	H 340423A 01 through H 340423A 02	do	Mayor, 33 Oak St., Salem, N.J. 08079	Sept. 20, 1974. Apr. 9, 1976.
Do	Monmouth	Spring Lake, borough of.	H 340329A 01	do	Mayor, P.O. Box 4, Spring Lake, N.J. 07762.	May 25, 1973. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Mexico	Lincoln	Corona, village of	H 350099 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87413. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, Village Hall, P.O. Box 37, Corona, N. Mex. 88318.	June 4, 1976.
Do	Guadalupe	Santa Rosa, city of.	H 350024A 01	do	Mayor, City Hall, Drawer J, Santa Rosa, N. Mex. 88435.	May 31, 1974. Apr. 9, 1976.
New York	Oneida	Augusta, town of	H 360517A 01 through H 360517A 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Supervisor, Main St., Oriskany Falls, N.Y. 13425.	Sept. 13, 1974. Apr. 9, 1976.
Do	Sullivan	Bethel, town of	H 360815A 01 through H 360815A 11	do	Supervisor, Town Hall, Kauneonga Lake, N.Y. 12749.	June 28, 1974. Apr. 9, 1976.
Do	Westchester	Briarcliff Manor, village of.	H 360904A 01 through H 360904A 03	do	Village Manager, 1111 Pleasantville Rd., Briarcliff Manor, N.Y. 10510.	June 28, 1974. Apr. 9, 1976.
Do	Tompkins	Caroline, town of	H 360843A 01 through H 360843A 07	do	Supervisor, 736 Valley Rd., Brooktondale, N.Y. 14817.	Sept. 6, 1976. Apr. 9, 1976.
Do	do	Ithaca, town of	H 360851 01 through H 360851 03	do	Town Supervisor, 126 East Seneca St., Ithaca, N.Y. 14850.	June 4, 1976.
Do	Cattaraugus	Limestone, village of.	H 360081A 01	do	Mayor, Municipal Bldg., Limestone, N.Y. 14753.	May 17, 1974. Apr. 9, 1976.
Do	Broome	Lisle, village of	H 360050A 01	do	Mayor, Village Hall, Lisle, N.Y. 13797.	Aug. 9, 1974.
Do	Herkimer	Litchfield, town of.	H 360309A 01 through H 360309A 02	do	Supervisor, Rural Delivery, Shuquolt, N.Y. 13456.	Mar. 15, 1974. Apr. 9, 1976.
Do	Delaware	Margaretville, village of.	H 360208A 01	do	Mayor, Village Hall, Margaretville, N.Y. 12455.	May 31, 1974. Apr. 9, 1976.
Do	Nassau	Massapequa Park, village of.	H 360480A 01 through H 360480A 02	do	Mayor, 151 Front St., Massapequa Park, N.Y. 11762.	June 21, 1974. Apr. 9, 1976.
Do	Saratoga	Milton, town of	H 360722A 01 through H 360722A 10	do	Town Supervisor, 148 Malta Ave., Ballston Spa, N.Y. 12020.	June 14, 1974. Apr. 9, 1976.
Do	Westchester	New Rochelle, city of.	H 360922A 01 through H 360922A 04	do	Mayor, 515 North Ave., New Rochelle, N.Y. 10801.	Dec. 28, 1973. Apr. 9, 1976.
Do	Cattaraugus	Portville, town of	H 360003A 01 through H 360003A 10	do	Town Supervisor, Portville, N.Y. N.Y. 14770.	Dec. 20, 1974. Apr. 9, 1976.
North Carolina	Bladen	Elizabethtown, town of.	H 370027A 01	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, P.O. Box 716, Elizabethtown, N.C. 28337.	Dec. 28, 1973.
Do	Wake	Knightdale, town of.	H 370241A 01 through H 370241A 02	do	Mayor, P.O. Box 186, Knightdale, N.C. 27545.	Apr. 12, 1974.
North Dakota	Walsh	Fordville, city of	H 380170 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Fordville, N. Dak. 58231.	June 4, 1976.
Ohio	Cuyahoga	Maple Heights, city of.	H 390114A 01	Ohio Department of Natural Resources, Flood Insurance coordination Bldg., Fountain Square, Columbus, Ohio 43224. Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 5353 Lee Rd., Maple Heights, Ohio 44137.	Feb. 8, 1974. Apr. 9, 1976.
Do	Hancock	McComb, village of.	H 390247A 01	do	Mayor, Village Hall, McComb, Ohio 45858.	May 10, 1974.
Do	Trumbull	McDonald, village of.	H 390538A 01	do	Mayor, Ohio Ave., McDonald, Ohio 44437.	May 17, 1974. Apr. 9, 1976.
Do	Wood	Millbury, village of.	H 390586A 01	do	Mayor, 28430 M St., Millbury, Ohio 43447.	Mar. 1, 1974. Apr. 9, 1976.
Do	Cuyahoga	Moreland Hills, village of.	H 390118A 01 through H 390118A 04	do	Mayor, 4350 S.O.M. Center Rd., Moreland Hills, Ohio 44022.	Feb. 8, 1974. Apr. 9, 1976.
Do	Stark	Navarre, village of.	H 390520A 01	do	Mayor, 27 Canal St., West Navarre, Ohio 44662.	Jan. 16, 1974.
Do	Clark	New Carlisle, city of.	H 390062A 01 through H 390062A 03	do	Mayor, 432 North Main St., New Carlisle, Ohio 45344.	Feb. 1, 1974.
Do	Perry	New Lexington, village of.	H 390443A 01 through H 390443A 02	do	Mayor, 125 South Main St., New Lexington, Ohio 43764.	May 17, 1974.
Do	Huron	New London, village of.	H 390284A 01	do	Mayor, 42 East Main St., New London, Ohio 44851.	May 17, 1974. Apr. 9, 1976.
Do	Darke	New Madison, village of.	H 390140A 01	do	Mayor, Village Hall, New Madison, Ohio 45346.	Apr. 5, 1974.
Do	Huron	North Fairfield, village of.	H 390285A 01	do	Mayor, Village Hall, North Fairfield, Ohio 44855.	Mar. 15, 1974. Apr. 9, 1976.
Do	Mahoning	Poland, village of.	H 390370A 01 through H 390370A 02	do	Mayor, 308 South Main St., Poland, Ohio 44514.	Mar. 1, 1974.
Do	Hamilton	St. Bernard, city of.	H 390235A 01	do	Mayor, 110 Washington Ave., St. Bernard, Ohio 45217.	May 10, 1974.
Do	Greene	Spring Valley, village of.	H 390196A 01	do	Mayor, P.O. Box 217, Spring Valley, Ohio 45370.	Nov. 16, 1973.
Do	Jefferson	Steubenville, city of.	H 390302 01 through H 390302 04	do	Mayor, 123 South 3d St., Steubenville, Ohio 43952.	June 4, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Wyandot	Sycamore, village of.	H 390591A 01	do	Mayor, Village Hall, Sycamore, Ohio 44882.	May 17, 1974.
Do	Miami	Tipp City, city of.	H 390401A 01 through H 390401A 02	do	Mayor, 3 East Main St., Tipp City, Ohio 45371.	May 10, 1974. Apr. 9, 1976.
Do	Franklin	Worthington, city of.	H 390181A 01 through H 390181A 03	do	Mayor, 789 High St., Worthington, Ohio 43085.	Feb. 1, 1974. Apr. 9, 1976.
Oklahoma	Pottawatomie	Asher, town of.	H 400259 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	President, Town Hall, Asher, Okla. 74826.	June 4, 1976.
Do	Atoka	Atoka, city of.	H 400008A 01 through H 400008A 02	do	Mayor, City Hall, 107 South Penn, Atoka, Okla. 74525.	June 7, 1974. Apr. 9, 1976.
Do	Kay	Blackwell, city of.	H 400078A 01 through H 400078A 08	do	Mayor, 224 West Blackwell Ave., P.O. Box 350, City Hall, Blackwell, Okla. 74631.	Feb. 1, 1974. Apr. 9, 1976.
Do	Osage	Barnsdall, city of.	H 400148A 01 through H 400148A 02	do	Mayor, 104 South 5th, City Hall, Barnsdall, Okla. 74002.	Dec. 17, 1973. Apr. 9, 1976.
Do	Beaver	Beaver, town of.	H 400009A 01	do	President, City Hall, 30 West 2d St., Beaver, Okla. 73932.	June 28, 1974. Apr. 9, 1976.
Do	Ottawa	Commerce, city of.	H 400156 01 through H 400156 02	do	Mayor, City Hall, 300 Commerce St., Commerce, Okla. 74339.	June 4, 1976.
Do	Wagoner	Coweta, town of.	H 400216 01	do	Mayor, Town Hall, P.O. Box 206, Coweta, Okla. 74429.	Do.
Do	Stephens	Marlow, city of.	H 400203A 01	do	Mayor, P.O. Box 113, Marlow, Okla. 73055.	Dec. 28, 1973.
Do	Kiowa	Mountain View, town of.	H 400087A 01	do	Mayor, 112 North 3d, P.O. Box 608, Town Hall, Mountain View, Okla. 73062.	Nov. 1, 1974. Apr. 9, 1976.
Do	Mayes	Pryor Creek, city of.	H 400117A 01 through H 400117A 08	do	Mayor, City Hall, Pryor Creek, Okla. 74361.	Feb. 1, 1974. Apr. 9, 1976.
Oregon	Clatsop	Astoria, city of.	H 410028A 01 through H 410028A 04	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Astoria, Oreg. 97103.	June 28, 1974. Apr. 9, 1976.
Do	Wasco	Dufur, city of.	H 410231A 01	do	Mayor, City Hall, Dufur, Oreg. 97021.	June 7, 1974. Apr. 9, 1976.
Do	Polk	Monmouth, city of.	H 410190A 01	do	Mayor, City Hall, Monmouth, Oreg. 97361.	May 24, 1974. Apr. 9, 1976.
Pennsylvania	Lackawanna	Archbald, borough of.	H 420524A 01 through H 420524A 07	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance bldg., Harrisburg, Pa. 17120.	Mayor, Borough Hall, Archbald, Pa. 18403.	May 17, 1974.
Do	Schuylkill	Auburn, borough of.	H 420766A 01 through H 420766A 03	do	Mayor, 206 Second St., Auburn, Pa. 17922.	Jan. 23, 1974. Apr. 9, 1976.
Do	Potter	Austin, borough of.	H 420760A 01 through H 420760A 02	do	Mayor, Borough Bldg., Austin, Pa. 16720	May 17, 1974. Apr. 9, 1976.
Do	Crawford	Blooming Valley, borough of.	H 421559A 01	do	Mayor, Borough of Blooming Valley, Rural Delivery No. 3, Meadville, Pa. 16335.	Jan. 31, 1975. Apr. 9, 1976.
Do	Armstrong	Boggs, township of.	H 421301A 01 through H 421301A 04	do	Chairman, Township Supervisor, Rural Delivery No. 2, New Bethlehem, Pa. 16242.	Aug. 30, 1974. Apr. 9, 1976.
Do	Berks	Boyertown, borough of.	H 420128A 01	do	Mayor, Town Hall Bldg., Boyertown, Pa. 19512.	Dec. 28, 1973.
Do	Allegheny	Braddock Hills, borough of.	H 420016A 01	do	Mayor, Braddock Hills Borough, Pittsburgh, Pa. 15221.	May 10, 1974. Apr. 9, 1976.
Do	do	Bridgeville, borough of.	H 420018A 01 through H 420018A 03	do	Mayor, 425 Bower Hill Rd., Bridgeville, Pa. 15017.	Feb. 8, 1974. Apr. 9, 1976.
Do	Beaver	Bridgewater, borough of.	H 420106A 01 through H 420106A 02	do	Mayor, 229 Canal St., Beaver, Pa. 15009.	Feb. 22, 1974. Apr. 9, 1976.
Do	Fayette	Brownsville, borough of.	H 420458A 01 through H 420458A 03	do	Mayor 203, Angle St., Brownsville, Pa. 15417.	Aug. 2, 1974. Apr. 9, 1976.
Do	Butler	Butler, city of.	H 420212A 01 through H 420212A 06	do	Mayor, City Hall, Buter, Pa. 16001.	May 24, 1974. Apr. 9, 1976.
Do	do	Callery, borough of.	H 420213A 01	do	Mayor, Borough Office, Callery, Pa. 16024.	Aug. 9, 1974.
Do	Greene	Carmichaels, borough of.	H 420475A 01	do	Mayor, 104 North Vine St., Carmichaels, Pa. 15320.	June 28, 1974.
Do	Butler	Chicora, borough of.	H 420214A 01	do	Mayor, Box J, Chicora, Pa. 16025.	June 14, 1974. Apr. 9, 1976.
Do	Lancaster	Conestoga, township of.	H 420544A 01 through H 420544A 06	do	Chairman, Township Supvisory, Township Bldg., Conestoga, Pa. 17516.	July 26, 1974. Apr. 9, 1976.
Do	Allegheny	Coraopolis, borough of.	H 420025A 01 through H 420025A 02	do	Mayor, 739 Sixth Ave., Coraopolis, Pa. 15108.	Mar. 8, 1974. Apr. 9, 1976.
Do	Lancaster	Denver, borough of.	H 420546A 01 through H 420546A 03	do	Mayor, 317 South 4th St., Denver, Pa. 17517.	July 26, 1974. Apr. 9, 1976.
Do	Lackawanna	Jermyn, borough of.	H 420530A 01	do	Mayor, 431 Jefferson Ave., Jermyn, Pa. 18433.	Jan. 9, 1974. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
South Carolina	Saluda	Saluda, city of	H 450175A 01 through H 450175A 02	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, P.O. Box 675, Saluda, S.C. 29138.	June 28, 1974. Apr. 9, 1976.
Do	Spartanburg	Spartanburg, city of.	H 450181A 01 through H 450181A 07	do	Mayor, P.O. Box 1749, Spartanburg, S.C. 29304.	June 7, 1974. Apr. 9, 1976.
Do	Dorchester	Summerville, town of.	H 450073A 01	do	Mayor, 104 Civic Center, Summerville, S.C. 29483.	June 14, 1974. Apr. 9, 1976.
Tennessee	Wayne	Collinwood, city of.	H 470324 01 through H 470324 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, P.O. Box 98, Collinwood, Tenn. 38450.	June 4, 1976.
Do	Giles	Elkton, city of	H 470064 01 through H 470064 02	do	Mayor, Main St., Elkton, Tenn. 38455.	Do.
Texas	Brewster	Alpine, city of	H 480085A 01 through H 480085A 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 309 West Ave. D, Alpine, Tex. 79830.	May 31, 1974. Apr. 9, 1976.
Do	Henderson	Athens, city of	H 480324A 01 through H 480324A 06	do	Mayor, City Hall, 115 East Tyler St., P.O. Drawer C, Athens, Tex. 75751.	Aug. 23, 1974. Apr. 9, 1976.
Do	Denton	Aubrey, town of	H 480776 01 through H 480776 02	do	Mayor, Town Hall, Main St., Aubrey, Tex. 76227.	June 4, 1976.
Do	Eastland	Cisco, city of	H 480203A 01 through H 480203A 02	do	Mayor, City Hall, 116 West 7th St., P.O. Box 110, Cisco, Tex. 76437.	May 3, 1974. Apr. 9, 1976.
Do	Howard	Coahoma, town of.	H 481099 01	do	Mayor, Town Hall, 112 North 1st St., Coahoma, Tex. 79511.	June 4, 1976.
Do	Polk	Corrigan, city of	H 480527A 01	do	Mayor, City Hall, Corrigan, Tex. 75939.	May 24, 1974. Apr. 9, 1976.
Do	Johnson	Keene, city of	H 481107 01 through H 481107 02	do	Mayor, City Hall, 100 North Mockingbird, Keene, Tex. 76059.	June 4, 1976.
Do	Hidalgo	La Joya, city of	H 480341A 01	do	Mayor, City Hall, P.O. Drawer H, La Joya, Tex. 78560.	Jan. 23, 1974. Apr. 9, 1976.
Do	do	Mercedes, city of	H 480344A 01 through H 480344A 08	do	Mayor, City Hall, 402 South Ohio St., P.O. Drawer 837, Mercedes, Tex. 78570.	Feb. 1, 1974. Apr. 9, 1976.
Do	De Witt	Nordheim, city of.	H 481154 01	do	Mayor, City Hall, Nordheim, Tex. 78141.	June 4, 1976.
Do	Calhoun	Point Comfort, city of.	H 480098A 01	do	Mayor, City Hall, 108 Jones, P.O. Box 399, Point Comfort, Tex. 77978.	May 24, 1974. Apr. 9, 1976.
Do	Crosby	Ralls, city of	H 480161A 01	do	Mayor, City Hall, 800 Ave. I, Ralls, Tex. 79357.	June 14, 1974. Apr. 9, 1976.
Do	Cameron	Rio Hondo, town of.	H 480112A 01 through H 480112A 02	do	Mayor, Town Hall, 130 Colorado, Rio Hondo, Tex. 78583.	May 10, 1974. Apr. 9, 1976.
Do	Starr	Roma-Los Saenz, city of.	H 480577 01 through H 480577 02	do	Mayor, City Hall, Roma-Los Saenz, Tex. 78584.	June 4, 1976.
Do	Fisher	Rotan, city of	H 480224A 01 through H 480224A 02	do	Mayor, City Hall, 201 West Snyder Ave., Rotan, Tex. 79546.	Apr. 12, 1974. Apr. 9, 1976.
Do	Scurry	Snyder, city of	H 481001A 01 through H 481001A 03	do	Mayor, City Hall, 1925 24th St., Snyder, Tex. 79549.	Feb. 1, 1974. Apr. 9, 1976.
Do	Moore	Sunray, city of	H 480492A 01 through H 480492A 02	do	Mayor, City Hall, 410 Ave. M, Sunray, Tex. 79086.	May 24, 1974. Apr. 9, 1976.
Do	Henderson	Trinidad, city of	H 480333A 01 through H40 8333A0 6	do	Mayor, City Hall, 220 Park St., P.O. Box 345, Trinidad, Tex. 75163.	Oct. 18, 1974. Apr. 9, 1976.
Utah	Box Elder	Deweyville, town of.	H 490194 01 through H 490194 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	President, Town Hall, Deweyville, Utah 84039.	June 4, 1976.
Do	Washington	Hildale, town of	H 490171 01	do	President, Town Hall, Hildale, Utah 86021.	Do.
Do	Cache	Hyrum, city of	H 490017A 01	do	Mayor, City Hall, Hyrum, Utah 84319.	May 24, 1974. Apr. 9, 1976.
Do	Washington	Santa Clara, town of.	H 490178 01	do	Town President, Town Hall, Santa Clara, Utah 84765.	June 4, 1976.
Do	Tooele	Tooele, city of	H 490145A 01 through H 490145A 04	do	Mayor, City Hall, Tooele, Utah 83074.	Aug. 16, 1974. Apr. 9, 1976.
Do	do	Vernon, town of	H 490146 01 through H 490146 04	do	Town President, Town Hall, Vernon, Utah 84080.	June 4, 1976.
Do	Carbon	Wellington, city of.	H 490037A 01 through H 490037A 02	do	Mayor, City Hall, Wellington, Utah 84542.	July 26, 1974. Apr. 9, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Vermont	Franklin	Fletcher, town of	H 500054A 01 through H 500054A 14	Management and Engineering Division, Department of Water Resources, Vermont Agency of Environmental Conservation, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Selectma, Rural Delivery Number 1, Cambridge, Vt. 05444.	Nov. 8, 1974. Apr. 9, 1976.
Do	Chittenden	Shelburne, town of.	H 500193A 01 through H 500193A 11	do	Town Manager, Shelburne, Vt. 05482	Dec. 13, 1974. Apr. 9, 1976.
Virginia	Fairfax	Herndon, town of.	H 510052A 01 through H 510052A 03	Bureau of Water Control Management, State Water Control, P.O. Box 1143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Box 427, Herndon, Va. 22070	June 14, 1974. Apr. 9, 1976.
Do	Pulaski	Pulaski, town of	H 510126A 01 through H 510126A 03	do	Mayor, Box 660, Pulaski, Va. 24301	Aug. 2, 1974. Apr. 9, 1976.
Washington	Whatcom	Ferndale, town of	H 530201A 01 through H 503201A 03	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Dept., Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, 764 2d St., Ferndale, Wash. 98248.	May 3, 1974. Apr. 9, 1976.
West Virginia	McDowell	Anawalt, town of	H 540115A 01 through H 540115A 02	do	Mayor, Town Hall, Anawalt, W. Va. 24808.	May 31, 1974.
Do	Brooke	Bethany, town of	H 540012A 01 through H 540012A 02	do	Mayor, Box U, Bethany, W. Va. 26032	Feb. 8, 1974. Apr. 9, 1976.
Do	Webster	Camden-on-Gauley, town of.	H 540205A 01	do	Mayor, City Hall, Camden-on-Gauley, W. Va. 26208.	Aug. 9, 1974. Apr. 9, 1976.
Do	Mingo	Delbarton, city of	H 540134A 01 through H 540134A 02	do	Mayor, City Hall, Delbarton, W. Va. 25670.	Mar. 2, 1973. Apr. 9, 1976.
Do	Wirt	Elizabeth, town of.	H 540212A 01 through H 540212A 02	do	Mayor, P.O. Box 276, Elizabeth, W. Va. 26143.	Apr. 5, 1974. Apr. 9, 1976.
Do	Randolph	Elkins, city of	H 540177A 01 through H 540177A 05	do	Mayor, P.O. Box 32, Elkins, W. Va. 26241.	Feb. 15, 1974. Apr. 9, 1976.
Do	Gilmer	Glenville, city of	H 540036A 01 through H 540036A 03	do	Mayor, 20 North Court St., Glenville, W. Va. 26351.	Apr. 5, 1974. Apr. 9, 1976.
Do	Calhoun	Grantsville, town of.	H 540021A 01	do	Mayor, Grantsville, W. Va. 26147	Mar. 1, 1974. Apr. 9, 1976.
Do	Tucker	Hambleton, town of.	H 5401.2A 01	do	Mayor, Town Hall, Hambleton, W. Va. 26269.	Feb. 1. 1974.
Do	Putnam	Hurricane, city of	H 540167A 01 through H 540167A 02	do	Mayor, 2801 Virginia Ave., Hurricane, W. Va. 25526.	Apr. 5, 1974. Apr. 9, 1975.
Do	Harrison	Lumberport, town of.	H 540058A 01	do	Mayor, Town Hall, Lumberport, W. Va. 26386.	Mar. 8, 1974. Apr. 9, 1967.
Do	Hancock	New Cumberland, city of.	H 540049A 01 through H 540049A 02	do	Mayor, Jefferson St., P.O. Box 505, New Cumberland, W. Va. 26047.	Mar. 29, 1974. Apr. 9, 1976.
Do	Wetzel	New Martinsville, city of.	H 540208A 01 through H 540208A 02	do	Mayor, P.O. Box 638, New Martinsville, W. Va. 26155.	June 28, 1974. Apr. 9, 1976.
Do	Harrison	Nutter Fort, town of.	H 540059A 01	do	Mayor, Buchannon Pike, Nutter Fort, W. Va. 26301.	Mar. 15, 1974. Apr. 9, 1976.
Do	Wetzel and Tyler	Paden City, city of.	H 540196 01 through H 540196 02	do	Mayor, Box 211, Paden City, W. Va. 26159.	June 4, 1976.
Do	Tucker	Parsons, city of	H 540194A 01 through H 540194A 02	do	Mayor, 222, Water St., Parsons, W. Va. 26287.	Feb. 8, 1974. Apr. 9, 1976.
Do	Boone	Sylvester, town of	H 540238A 01	do	Mayor, P.O. Box 212, Sylvester, W. Va. 25193.	Nov. 15, 1974.
Wisconsin	Sauk	Loganville, village of.	H 550397A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Chairman of the Board, Village Hall, Loganville, Wis. 53943.	Sept. 6, 1974. Apr. 9, 1976.
Do	Clark	Loyal, city of	H 550052A 01	do	Mayor, 301 North Main St., Loyal, Wis. 54446.	May 17, 1974. Apr. 9, 1976.
Do	Jackson	Melrose, village of	H 550188A 01	do	Village President, Village Hall, Melrose, Wis. 54642.	Dec. 17, 1973. Apr. 9, 1976.
Do	Iowa	Mineral Point, city of.	H 550180A 01	do	Mayor, City Hall, 137 High St., Mineral Point, Wis. 53565.	May 31, 1974. Apr. 9, 1976.
Do	Calumet	New Holstein, city of.	H 550039A 01	do	Mayor, City Hall, New Holstein, Wis. 53061.	Apr. 12, 1974. Apr. 9, 1976.
Do	Monroe	Norwalk, village of.	H 550289A 01	do	Village President, Village Hall, Norwalk, Wis. 54648.	Aug. 30, 1974. Apr. 9, 1976.
Do	Clark	Owen, city of	H 550054A 01	do	Mayor, Box 67, Owen, Wis., 54460	Jan. 16, 1974. Apr. 9, 1976.
Do	Crawford	Soldiers Grove, village of.	H 550074A 01 through H 550074A 02	do	Village President, Box 121, Soldiers Grove, Wis. 54655.	June 7, 1974 Apr. 9, 1976.
Do	Jackson	Taylor, village of	H 550190A 01	do	Village President, Village Hall, Taylor, Wis. 54659.	Dec. 7, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: April 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–11227 Filed 4–20–76;8:45 am]

[Docket No. FI-1045]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the City of Jamestown, North Dakota, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Jamestown, North Dakota.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Jamestown. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (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 1916.

For rating purposes, the new community number is 385366B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor George Burchill, City Hall, 203 1st Street, West, Jamestown, North Dakota 58401.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Jamestown Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Jamestown map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11486 Filed 4-20-76;8:45 am]

[Docket No. FI-1044]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the Borough of Seaside Park, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Seaside Park, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Seaside Park. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (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 1916.

For rating purposes, the new community number is 345319C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Joseph J. Delaney
6th and Central Avenues
Seaside Park, New Jersey 08752

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Seaside Park Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Seaside map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 7, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11487 Filed 4-20-76;8:45 am]

[Docket No. FI-1043]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the Borough of Bay Head, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Bay Head, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Bay Head. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (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 1916.

For rating purposes, the new community number is 345281C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National

Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor William M. Robertson, Borough Hall, Bridge Avenue, Bay Head, New Jersey 08742.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Bayhead Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Bayhead map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11488 Filed 4-20-76;8:45 am]

[Docket No. FI-1042]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the City of Clayton, Missouri, Base Flood Elevations

On January 8, 1976, at 41 FR 1474, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Clayton, Missouri.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of Clayton, has determined that modification of the base (100-year) flood elevations of some locations in Clayton, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 290341B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood elevations (as on map) (MSL)	New FIA zones	New base flood elevations (MSL)
A0	Not available	B	Not available.

NOTE.—This zone change applies to all of the present A0 zone, which extends 850 ft north from Clayton Rd. and is bound on the east by Concordia Lane and on the west by Big Bend Blvd.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

The Honorable James C. Laflin, Mayor, City of Clayton, 10 North Bemiston Avenue, Clayton, Missouri 63105.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to the Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11489 Filed 4-20-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-472; Order No. 531-B]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Suspending the Required Filing of Form No. 69 Until Further Notice

APRIL 12, 1976.

In the matter of Report of the Alternate Fuel Demand of Direct End Use Customers of Interstate Pipeline Companies Due to Natural Gas Curtailments FPC Form No. 69.

On June 25, 1975, the Commission issued Order No. 531 setting forth a new Form No. 69 which was the result of a coordinated effort with the Federal Energy Administration (FEA) and other governmental agencies and the National Association of Regulatory Utilities Commissioners. The Commission issued Order No. 531-A on July 9, 1975, revising and clarifying Form No. 69 in order to make it fully conform with the FEA's concurrent Form No. G-101-Q-0.

This Commission and the FEA are currently in the process of developing a revised format for FPC Form No. 69 and its FEA counterpart Form G-101-Q-0. It is anticipated that these latest revised forms will be ready for circulation within a few weeks and the completion and filing of the aforementioned forms with these respective federal entities is presently scheduled for May 31, 1976. Therefore, no useful purpose will be served by requiring that companies subject to the Commission's jurisdiction make the regular filing of the current FPC Form No. 69, which are due on or before April 30, 1976.

The Commission Orders: The required filings of the current FPC Report Form No. 69 is suspended until further notice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11440 Filed 4-20-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0057]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Fenthion

The Food and Drug Administration has evaluated a supplemental new animal drug application (47-138V) filed by Bayvet Corp., Shawnee Mission, KS 66201, proposing safe and effective use

of 20 percent fenthion topical solution as an aid in controlling lice on beef and nonlactating dairy cattle. The supplemental application is approved, effective April 21, 1976.

The Commissioner of Food and Drugs is revising Part 524 (21 CFR 524) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), § 524.920(c)(5) is revised to amend the indications, to editorially revise the dosage information, and to expand and redesignate certain information to correspond with the conditions of the drug's current labeling, to read as follows:

§ 524.920 Fenthion.

* * * * *

(c) * * *

(5) *Conditions of use.* (i) The drug is used for control of cattle grubs and as an aid in controlling lice on beef and nonlactating dairy cattle.

(ii) It is applied as a single application placed on the backline of animals as follows:

Weight of animal:	*Dosage (milliliters)*
150 to 300 lb	4
301 to 600 lb	8
601 to 900 lb	12
901 to 1,200 lb	16
Over 1,200 lb	20

For most effective results, cattle should be treated as soon as possible after heelfly activity ceases. Treatment should be applied at least 6 weeks before the expected appearance of grubs in the back. Host-parasite reactions such as bloat, salivation, staggering and paralysis may sometimes occur when cattle are treated while the common cattle grub (*Hypoderma lineatum*) is in the gullet, or while the northern cattle grub (*H. bovis*) is in the area of the spinal cord. Cattle should be treated either before or after these stages of grub development. Consult your veterinarian, extension livestock specialist, or extension entomologist regarding the timing of treatment. If it is impossible to determine the area from which the cattle came and/or exact stage of the grubs, it is recommended that the cattle receive only a maintenance ration of low-energy feed during the treatment period. This lessens the likelihood of severe bloat which may occur in cattle on full feed when the common grub is killed while in the gullet. A second application is required for animals heavily infested with lice or for those which become reinfested. A second application should be made no sooner than 35 days after the first treatment.

(iii) Do not treat dairy cattle of breeding age; calves less than 3 months old; sick, convalescent, or severely stressed livestock.

(iv) Do not treat cattle for 10 days before or after shipping, weaning, dehorning, or after exposure to contagious or infectious diseases.

(v) Do not slaughter within 45 days of treatment.

Effective date. This order shall be effective April 21, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 15, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-11459 Filed 4-20-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Food and Drug Administration has evaluated a supplemental new animal drug application (99–098V) filed by FS Services, Inc., 1701 Towanda Ave., Bloomington, IL 61701, proposing the safe and effective use of a tylosin premix for the manufacture of swine feed. The supplemental application is approved, effective April 21, 1976.

The Commissioner of Food and Drugs is amending Part 558 (21 CFR Part 558) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drugs, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), § 558.625 is amended by revising paragraph (b)(27) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(27) To 020275: 8 and 40 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment shall be effective April 21, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 15, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-11458 Filed 4-20-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4–1—GENERAL

PART 4–16—MISCELLANEOUS FORMS

Minority Business Enterprises

This amendment involves matters relating to management and contracts and, while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (35 FR 13804). The amendment reflects editorial and procedural changes and changes in the Federal Procurement Regulations, 41 CFR 1–1.7, 1.13. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedure with respect to the amendment are impracticable and unnecessary.

1. The table of contents for Part 4–1 is amended by adding entries as follows:

Sec.
4–1.713–2 Policy.

* * * * *

Subpart 4–1.13—Minority Business Enterprises

4–1.1302 Agency programs.

2. Section 4–1.713–2 is added to read as follows:

§ 4–1.713–2 Policy.

(a) It is the policy of the Department to enter into contracts with the Small Business Administration (SBA) to foster or assist in the establishment or growth of minority small business concerns so that these concerns may become self-sustaining competitive entities within a reasonable period of time. Responsibility for this program has been delegated to the Office of Equal Opportunity (7 CFR 2.80). Coordination, support and monitoring of the Minority Business Enterprise Program will be done by the Rural Minority Business Assistance Division (RMBAD) of that Office. This Section is applicable to the Office of Operations and the following agencies of the Department: Agricultural Marketing Service (AMS), Agricultural Research Service (ARS), Agricultural Stabilization and Conservation Service (ASCS), Animal and Plant Health Inspection Service (APHIS), Economic Management Support Center (EMSC), Farmers Home Administration (FmHA), Food and Nutrition Service (FNS), Forest Service (FS), and Soil Conservation Service (SCS).

(1) *Goals.* Procuring agencies shall establish Section 8(a) goals each fiscal year. These goals shall reflect a representative share of the agency's total procurement, excluding purchases from the General Services Administration and other agencies. Agency goals shall be submitted to the Rural Minority Business Assistance Division of the Office of Equal Opportunity no later than October 20 of each year.

(i) The RMBAD shall assist agencies in locating qualified contractors in order to meet established goals and shall provide other coordination as necessary.

(ii) Agencies are to be guided by the policies contained in the handbook entitled "USDA Minority Business Assistance" as an aid in the attainment of agency 8(a) goals. The handbook may be obtained from USDA, OEO (RM BAD), Washington, D.C. 20250.

(2) *Reports.* The following information concerning 8(a) contract awards shall be submitted to the RMBAD, OEO, by May 15 for the period October 1 through March 31, and by November 15 for the period April 1 through September 30 of each fiscal year.

(i) Type of contract, i.e., construction, consultant, commodity, etc.

(ii) Dollar amount of contract.

(b) [Reserved.]

(c) Once the agency has identified a procurement area for an 8(a) contract, and a potential contractor has been identified and screened, the contractor must submit a business plan to the Small Business Administration unless he has already submitted a plan and has been certified as eligible by SBA for an 8(a) award. This plan outlines a reasonable approach to upgrading the efficiency of the business to achieve competitive status. In addition, SBA also performs background checks on applicants determined eligible for the program. This is done to determine the accuracy of the make-up of the proprietorship, partnership, joint-venture, or corporation and also to uncover any adverse information which might prevent successful completion of a contract.

(d) Agency field offices should work closely with SBA Regional Offices concerning involvement with the provisions of the 8(a) program. Agencies are encouraged to be present during the negotiation session. The negotiations are conducted by SBA, however the procuring agency may negotiate directly with the 8(a) contractor if permission is obtained from SBA.

(e) [Reserved]

(f) The SBA has a Surety Bond Guarantees program that provides for bid, performance, or payment bond guarantees up to 90 percent of the loss of the bond. Contracts of $1,000,000 or less are eligible for SBA's bond guarantee. However, if a job has been put out to bid in components (example: site and foundation is one bid; building construction is another) and each does not exceed $1,000,009; each separate contract can be guaranteed. There is no limit to the number of bonds that can be guaranteed for any one contractor. SBA is not altering in any way the type or amount of information the insurance company needs to make a bonding decision. The contractor must apply for a bond with the insurance agency or broker of his choice. The surety company, based on the information supplied by the contractor, may decide (1) to make a bond itself, (2) to make the bond only if SBA guarantees, or (3) to decline the bond even with SBA's guarantee. SBA will provide counseling if needed to help the contractor compile the necessary data needed by the insurance company.

(g) During the negotiation phase, if conducted by the procuring agency, the contracting officer shall inform the 8(a) contractor of his labor standards obligations and explain them when necessary. During contract administration, the contracting officer or his representative shall contact the contractor to determine if applicable labor standards provisions are being fully implemented. The U.S. Department of Labor has published in synopsis form, a brochure entitled "Major Laws Administered by the U.S. Department of Labor Which Affect Business." It may be obtained from the area or regional offices of the Wage and Hour Division. These brochures may be helpful concerning labor standards information to preclude violations by 8(a) contractors in performance of the contract.

(3) Subpart 4–1.13 is added to read as follows:

Subpart 4–1.13—Minority Business Enterprise

§ 4–1.1302 Agency programs.

(a) Minority business enterprise programs shall be established by agencies in accordance with the provisions of Subpart 1–1.13 of this title. The following Department agencies, including the Office of Operations, are affected by these regulations: Agricultural Marketing Service (AMS), Agricultural Research Service (ARS), Animal and Plant Health Inspection Service (APHIS), Economic Management Support Center (EMSC), Farmers Home Administration (FmHA), Food and Nutrition Service (FNS), Forest Service (FS), and Soil Conservation Service (SCS). These agencies shall designate an official in each of their procuring activities to administer the minority business enterprise program. The persons designated shall take positive actions that will result in the maximum practicable achievement of objectives for the minority business enterprise program. To accomplish this purpose, agencies should:

(1) Make annual reviews of their procurement requirements to establish a plan for involvement in the 8(a) program.

(2) Attempt to direct those procurement requirements to the 8(a) program which match the abilities of the minority contractors located in the area where the contract will be performed. Procurement requirements identified in this manner shall be directed to the nearest SBA Regional or District Office in accordance with § 1–1.713–3(c) of this title.

(i) Recurring requirements should not be assigned to the 8(a) program, without consulting SBA, when small businesses are dependent in whole or in significant part on such Government requirements. However, this does not mean that a segment of a requirement could not be assigned to the 8(a) program. In addition, § 1–1.713–2(e) of this title shall apply.

(ii) The SBA publication "Firms in the 8(a) Business Development Program" should be used as an aid in locating eligible contractors. This publication can be ordered from: Small Business Administration, Office of Reports, Room 503, 1441 "L" Street NW., Washington, D.C. 20416.

(iii) Field personnel should be encouraged to locate and contact minority contractors for possible 8(a) participation. These contractors should be directed to the nearest District or Regional Office of SBA to make application for certification of eligibility.

(iv) Field personnel should make contact with local minority trade and contractor associations or Indian tribal councils to obtain names of minority contractors and to apprise these organizations of agency program needs.

(v) Field personnel should work with the Minority Business Opportunity Committees (MBOC) that have been established in thirty-five cities. These cities and Department personnel assigned to each MBOC are listed in Appendix I of the publication, "USDA Minority Business Assistance."

(vi) Agencies should consider holding or participating in area or local procurement conferences to attract minority contractors and to apprise them of opportunities available under Section 8 (a). Such conferences should usually be held in conjunction with other Federal agencies in the area and a responsible local organization.

(3) Seek out minority firms located in rural areas to assure they are informed and are given opportunities to participate in the program on an equal basis with firms located in urban areas.

(4) In addition to the requirements of § 1–1.1302 (1) through (9) of this title, as a minimum, take the following action:

(i) Establish and maintain current source lists of minority contractors and subcontractors.

(ii) Advise minority subcontractors of contract opportunities from prime contractors.

(iii) Inform the local Office of Minority Business Enterprise (OMBE) and their funded business development organizations of agency contract opportunities. These organizations are listed in the publication "USDA Minority Business Assistance."

(iv) Invite members of minority trade and contractor associations, chairmen of Minority Business Opportunity Committees, and OMBE representatives to speak at agency procurement workshops.

(v) Contact other Federal agencies which procure the same or similar products and services for the purpose of increasing minority source lists of the agency.

Part 4–16 of 41 CFR Chapter 4 is amended as follows:

1. The table of contents for Part 4–16 is amended by revising the following entry:

Sec.
4–16.804–5 Reports by contractors under Small Business Subcontracting Program and Minority Business Enterprise Subcontracting Program.

2. Section 4–16.804–3 is amended by revising (a), (c)(1), and (f) as follows:

§ 4–16.804–3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(a) *Form prescribed.* Standard Form 37, Report on Procurement by Civilian Executive Agencies, may be ordered from Federal Supply Stores Stock or requisitioned from the Central Supply Branch, Office of Operations. Agencies may submit mechanized printout reports containing the same information and in the same format as called for on Standard Form 37 when they determine it to be advantageous.

* * * * *

(c) * * *

(1) With concurrence of the Office of Operations, statistical sampling methods applied on an agencywide basis may be used to develop the dollar amounts reported for small purchases.

* * * * *

(f) Frequency and due date for submission of Standard Form 37. Reports shall be prepared by each agency and submitted in duplicate to the Office of Operations (Procurement, Grants, and Agreements Management Staff), by January 31 for the six-month period July 1 through December 31, and by July 31 for the 12-month period July 1 through June 30 of each fiscal year.

3. Section 4–16.804–4 is revised to read as follows:

§ 4–16.804–4 Contracts placed in labor surplus areas.

The Department of Labor publication "Area Trends in Employment and Unemployment" can be obtained from the address in § 4–1.801–2 of this chapter.

4. Section 4–16.804–5 is revised to read as follows:

§ 4–16.804–5 Reports by contractors under Small Business Subcontracting Program and Minority Business Enterprise Subcontracting Program.

(a) Reports on Optional Form 61 shall not be required under prime contracts for standard commercial items nor under contracts or subcontracts with small business concerns or educational or nonprofit institutions.

(b) [Reserved].

(c) Each agency shall submit a quarterly summary report of Minority Business Enterprise Subcontracting Program data on Optional Form 61 to the Rural Minority Business Assistance Division, Office of Equal Opportunity. Reports are due within 30 days following the quarters ending December 31, March 31, June 30 and September 30.

5. Section 4–16.850(b) is revised to read as follows:

§ 4–16.850 Contract for Services (Agriculture Department Form 225).

* * * * *

(b) *Orders for form.* Form AD–225 is available from the Central Supply Branch, Office of Operations.

6. Section 4–16.903(c) is revised to read as follows:

§ 4–16.903 Department of Justice forms.

* * * * *

(c) *Orders for form.* Form DJ–1500 is available from the Central Supply Branch, Office of Operations.

7. Section 4–16.950 is revised to read as follows:

§ 4–16.950 Department of Agriculture forms.

The Department of Agriculture (AD) procurement forms are illustrated in this section to show their text, format and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the AD form numbers. Thus, in subsection 369 of this § 4–16.950 appears Form AD–369. These forms are available by requisition on Form AD–14 from the Central Supply Branch, Office of Operations, as prescribed in § 4–5.5701–4 of this chapter.

8. Section 4–16.5001 (a) and (b) are revised to read as follows:

§ 4–16.5001 General Provisions (Service Contract) (Agriculture Department Form 377).

(a) *Use.* Agriculture Department Form 377, General Provisions (Service Contracts), is prescribed for use in conjunction with Standard Form 33 for advertised contracts for services, including aerial photography.

(b) *Orders for form.* Form AD–377, is available from the Central Supply Branch, Office of Operations.

* * * * *

9. Section 4–16.5100(b) is revised to read as follows:

§ 4–16.5100 Contract forms.

* * * * *

(b) *Orders for forms.* The forms listed are available from the Central Supply Branch, Office of Operations.

10. Section 4–16.5200 is revised to read as follows:

§ 4–16.5200 Research agreement forms.

* * * * *

(b) *Orders for form.* The forms listed are available from the Central Supply Branch, Office of Operations.

(15 U.S.C. 637(a); EO 11625, 36 FR 19967; 5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment is effective April 21, 1976.

Done at Washington, D.C. this 16th day of April 1976.

GEORGE C. KNAPP,
Acting Director,
Office of Operations.

[FR Doc.76–11541 Filed 4–20–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Statement of Organization With Respect to the Office of the Executive Director

This Order is being issued to reflect major organization changes in the Office of the Executive Director adopted in previous action by the Commission on October 25, 1975, establishing the Internal Review and Security Division, and on March 18, 1976, establishing the Consumer Assistance Office. The Order also reflects minor changes in the names of two other divisions: the Data Automation Division (formerly Data Processing Division), and the Management Systems Division (formerly Management Information Division).

This amendment relates to internal Commission organization, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in Section 4(i) and 5(b) and (d) of the Communications Act of 1934, as mended, and in Section 0.231(d) of the Commision's Rules.

Accordingly, IT IS ORDERED, effective April 28, 1976, that in Part O of Chapter I of Title 47 of the Code of Federal Regulations,

In Section 0.12, paragraphs (d) and (f) are revised and new paragraphs (l) and (m) are added to read as follows:

§ 0.12 Units in the office.

* * * * *

(d) Data Automation Division.

* * * * *

(f) Management Systems Division.

* * * * *

(l) Internal Review and Security Division.

(m) Consumer Assistance Office.

Adopted: April 13, 1976.

Released: April 14, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Executive Director.

[FR Doc.76–11531 Filed 4–20–76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 103]

AVAILABILITY OF INFORMATION

Access to Certain Information Contained in Vessel Manifests

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 501, 65 Stat. 290, as amended (5 U.S.C. 552), it is proposed to amend sections 103.10(d) and 103.11 of the Customs Regulations (19 CFR 103.10(d), 103.11) to permit the public to have limited access to specified information contained in vessel manifests. This proposal would also permit the press to copy from outward vessel manifests the names of shippers who had not previously requested that their names be withheld from disclosure when they appear as shippers on outward manifests.

Section 103.11(a) of the Customs Regulations presently permits accredited representatives of the press to examine and publish specific items of information contained in vessel manifests and summary statistical reports of imports and exports. The items of information presently permitted to be disclosed from outward manifests do not include the names of shippers. Section 103.11(c) now permits accredited representatives of certain associations to obtain from vessel manifests information which relates to merchandise of the kind or class in which the association has an interest. Associations, however, are not permitted to examine the vessel manifests. Section 103.11(c) also excludes attorneys, agents, or customhouse brokers acting on behalf of individual importers from the access granted associations. Under section 103.10(d) of the Customs Regulations, however, certain individuals or their representatives are permitted to examine particular vessel manifests in which they have a proper and legal interest as principal or agent.

Although the information available to the press and associations in section 103.11 purports to be limited to information "not of a confidential nature" by paragraph (a) of that section, the amendments made to 5 U.S.C. 552 in 1967 by Public Law 90-23 (popularly known as the Freedom of Information Act) raised the possibility that the information contained in vessel manifests (heretofore made available to the press and associations) would actually be exempt from disclosure as confidential business information pursuant to 5 U.S.C. 552(b)(4). However, inasmuch as it was the intent of Congress in enacting the Freedom of Information Act to expand, rather than to contract, the general availability of information, the pre-Freedom of Information Act procedures as to disclosure of this information have been continued.

The continuance of these procedures has resulted in a situation where the Customs Service makes certain information available to the press for publication, or to associations for their use, while denying the same information to individuals who may request it on the grounds that it is confidential business information and as such is exempt from disclosure under 5 U.S.C. 552(b)(4).

In its effort to resolve this inconsistency, the Customs Service in an advance notice of proposed rulemaking published in the FEDERAL REGISTER on November 4, 1975 (40 FR 51201), solicited the views of the public in this matter. In particular, interested persons were requested to address their comments to five specific questions relating to the expansion or contraction of the availability of information to the press and associations, including whether the names of shippers which appear on outward vessel manifests, and which are presently excluded from disclosure, should be made available.

After careful consideration of the more than 90 comments received, the requirements of the Freedom of Information Act, and the interests of both the importing public and the United States Customs Service, it has been decided to propose amendments to the Customs Regulations which would permit members of the press to copy and publish the names of shippers from the outward vessel manifests they are presently permitted to examine pursuant to section 103.11(a) of the Customs Regulations. However, the proposed amendments would not permit the disclosure of the name of any shipper who had previously requested in writing that his name not be disclosed. Importers and consignees presently are permitted under section 103.11(d) to make a similar request that their names be withheld from disclosure. In addition, the general public (including associations) would be permitted to obtain from vessel manifests the same information made available to the press, but would not be permitted to examine the manifests. However, importers and exporters or their duly authorized brokers, attorneys, or agents would continue to be permitted to examine manifests with respect to transactions in which they have a proper and legal interest as principal or agent.

Accordingly, it is proposed to amend sections 103.10(d) and 103.11 of the Customs Regulations (19 CFR 103.10(d), 103.11) in the following manner:

It is proposed to amend paragraph (d) of § 103.10 by deleting the third and fourth sentences of that paragraph and by inserting in their place the following sentence:

§ 103.10 Classes of Customs documents exempt from disclosure.

* * * * *

(d) *Privileged or confidential information.* * * * However, information contained in vessel manifests and summary statistical reports of importations and exportations may be disclosed to the extent permitted by section 103.11.

* * * * *

It is further proposed to amend the title to § 103.11 to read as follows:

§ 103.11 Information on vessel manifests and summary statistical reports.

* * * * *

§ 103.11 [Amended]

It is further proposed to amend paragraph (a)(1) of § 103.11 by inserting after the words "name of vessel," in the first sentence thereof the words "names of shippers,".

It is further proposed to amend paragraph (a)(2) of § 103.11 by substituting the word "consignees" for the words "shippers and consignees".

It is further proposed to revise paragraph (c) of § 103.11 to read as follows:

(c) *Disclosure to the public.* Members of the public shall be permitted to obtain information from, but not examine, vessel manifests, subject to the rules set forth in paragraphs (a) and (b) of this section. However, importers and exporters or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest.

It is further proposed to revise § 103.11 (d)(1) to read as follows:

(d) *Suspension of disclosure.* (1) Except as provided in § 103.14, upon written application of a shipper, consignee, or importer, access to the name of such shipper, consignee, or importer, on a manifest will thereafter be refused.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure considera-

tion of such communications, they must be received on or before May 21, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: April 14, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-11464 Filed 4-20-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

OIL AND GAS LEASING

Changes in the Filing Fee for an Instrument of Transfer and in Rental Rate of Noncompetitive Leases

In a notice published in the FEDERAL REGISTER on March 18, 1976 (41 FR 11314), the Department of the Interior published proposed regulations to increase the annual rental rate of noncompetitive oil and gas leases and to increase the application fee for approval of instruments of transfer of an oil and gas lease interest. In that notice, comments were requested on the proposed regulation by April 19, 1976. It has now been determined to extend the comment period by 15 days. Comments received by May 4, 1976 will be considered before final action is taken on the proposed regulations.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

APRIL 16, 1976.

[FR Doc.76-11718 Filed 4-20-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1002]

[Docket No. AO-71-A71]

MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held February 17-20, 1976 at New York, New York, and February 23-26 at Syracuse, New York, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area pursuant to notice issued January 9, 1976 (41 FR 2092) is hereby extended to April 29, 1976.

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

Signed at Washington, D.C., on April 15, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-11480 Filed 4-20-76;8:45 am]

[7 CFR Parts 1011, 1033, 1090, 1101]

[Docket Nos. AO-251-A19; AO-266-A21; AO-195-A25; AO-166-A48]

MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley marketing areas which was issued March 12, 1976 (41 FR 11432) and which was extended on March 29, 1976 (41 FR 14192) to April 21, 1976, is hereby further extended to May 5, 1976.

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

Signed at Washington, D.C., on April 16, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-11481 Filed 4-20-76;8:45 am]

Farmers Home Administration

[7 CFR Part 1831]

[FmHA Instruction 441.1]

OPERATING LOANS

Subordination for Capital Expenditures Under Certain Circumstances

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1831.8(a) of Subpart A, Part 1831, Title 7, Code of Federal Regulations (37 FR 14858) by adding a new paragraph (a)(5) to authorize subordination for capital expenditures under certain circumstances. The amendment is proposed to allow for otherwise unobtainable funds for capital expenditures.

Interested persons are invited to submit written comments, suggestions, data or arguments regarding the proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before May 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, § 1831.8(a)(5) reads as follows:

§ 1831.8 Supplementing FmHA Operating loans with other credit.

(a) *Policy.* * * *

(5) When credit for capital expenditures is not available from other credit sources on any other satisfactory basis, FmHA may subordinate its liens on chattels and crops only under those circumstances found in § 1871.11(b)(9) of this chapter and as authorized by § 1871.11 of this chapter.

* * * * *

(7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary or Rural Development, 7 CFR 2.70.)

Dated: March 31, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-11477 Filed 4-20-76;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 462.1]

SERVICING CHATTEL SECURITY

Capital Expenditures

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of § 1871.11 of Subpart A of Part 1871, Title 7, Code of Federal Regulations (36 FR 1110) by adding paragraph (b)(9) and by amending paragraph (c). The addition of paragraph (b)(9) authorizes subordination for capital expenditures under certain circumstances; the amendment of paragraph (c) revises the loan approval authorities for subordination.

Interested persons are invited to submit written comments, suggestions, data or arguments regarding the proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before May 20, 1976. All written submission made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, § 1871.11 (b)(9) and (c) read as follows:

§ 1871.11 Use of other credit and subordination of chattel security.

* * * * *

(b) *Purposes and limitations.* * * *

(9) In addition to the above purposes and notwithstanding the prohibition found in paragraph (b)(7) of this section, FmHA may subordinate chattel and crop liens to a creditor to permit the creditor to make a loan for any other authorized OL purpose, including capital purchases, under the following conditions:

(i) The borrower has sustained substantial financial losses for which full compensation has not been received, and which are a direct result of contamination of food crops, animal feed, livestock or livestock products by toxic chemicals.

(ii) The borrower has a reasonable chance to accomplish the objectives of the loan.

(iii) The subordination is approved by the Administrator.

(c) *Approval authorization.* Loan approval officials are hereby authorized to execute subordination and waivers of FmHA lien priority, as provided in this section subject to the above-stated policies, provided the amount of the subordination does not exceed the loan officials' loan approval authority. Current information regarding limitations on loan approval authorities of various officials of the FmHA may be obtained from any County or State Office of the FmHA or from its National Office at 14th and Independence Avenue SW., Washington, D.C. 20250. The State Director may approve subordinations regardless of the amount, except for the purposes in paragraph (b)(9) of this section.

* * * * *

7 U.S.C. 1989, 42 U.S.C. 2942, 5 U.S.C. 301, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70, delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850)

Dated: March 31, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-11478 Filed 4-20-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1055]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Notice of Proposed Flood Elevation Determinations for the City of Velva, North Dakota

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 Velva, North Dakota.

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 Velva 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, Velva, North Dakota 58790.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ms. Jean M. Nelson, City Auditor, P.O. Box 219, Velva, North Dakota 58790. 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
Souris River	State Highway 41	1,511	3,340	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-11485 Filed 4-20-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

[49 CFR Part 174]

[Docket No. HM-120; Notice No. 74-11]

SWITCHING OF FREIGHT CARS PLACARDED "DANGEROUS"

Notice of Withdrawal of Proposal

On August 14, 1974, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-120; Notice No. 74-11 (39 FR 29197). This notice proposed changes in section 174.589 that would prohibit the uncoupling or cutting off of cars placarded "DANGEROUS" while they were in motion, the striking of such cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling, but in no case at the speed of more than four miles per hour.

At the request of commenters, the date for filing comments was extended from September 20, 1974 to October 30, 1974 (39 FR 33808, October 22, 1974).

Subsequent to the issuance of Notice No. 74-11, the Federal Railroad Administration published FRA Emergency Order No. 5 (39 FR 38230, October 30, 1974). This Emergency Order states:

ORDER

"In addition to the requirements of Parts 170-189 of Title 49 of the Code of Federal Regulations governing the transportation of hazardous materials, effective 12:01 a.m., October 27, 1974, a railroad may transport flammable compressed gas in DOT 112A and DOT 114A uninsulated tank cars that are not equipped with head shields prescribed by the Hazardous Materials Regulations Board in Docket HM-109, Amendment No. 5, 173-83, 179-15 published in the July 31, 1974, issue of the FEDERAL REGISTER (39 FR 27572), 49 CFR 179.100-23, only under the following conditions:

"(a) DOT specification tank cars 112A and 114A that are not equipped with head shields required by 49 CFR 179.100-23, transporting flammable compressed gas requiring dangerous placards shall not be cut off in motion. No car moving under its own momentum shall be allowed to strike any DOT 112A or 114A tank car containing flammable compressed gas placarded dangerous, that is not equipped with head shields required by 49 CFR 179.100-23, nor shall any such car be coupled into with more force than is necessary to complete the coupling.

"(b) The shipping papers required by 49 CFR 174.510 for loaded tank cars containing flammable compressed gas with placarded dangerous must carry the notations: "DOT 112A" or "DOT 114A" and "must be handled in accordance with FRA E.O. No. 5."

"(c) Railroad employees must be informed of the presence of these cars and instructed to handle them in accordance with the requirements of this order.

"A civil penalty of not less than $250 nor more than $2500 will be assessed for each violation of this order.

"An opportunity for review of this order is provided in accordance with Section 554 of Title 5 of the United States Code.

"Issued in Washington, D.C. on October 25, 1974."

More than forty comments were received in response to HM–120; Notice No. 74–11. An analysis of the comments indicated that a large number of commenters wanted further study to be made with some interim precautionary measures being taken with the cars that have caused the problems. Several commenters suggested that the Federal Railroad Administration take action on the tank cars that have been involved in most of the serious accidents—the 112A and 114A uninsulated tank cars transporting flammable compressed gas. In addition, commenters suggested that tests be conducted to determine safe coupling speed(s) and the efficiency of hump yard retarders. The Federal Railroad Administration believes that the commenters have raised valid points which require further study and that Emergency Order No. 5 covers the specific problem of the DOT 112A and 114A uninsulated tank cars transporting flammable compressed gas.

It should be noted that the head shield retrofit program for the DOT 112A and 114A tank cars will, when completed, eliminate the need for Emergency Order No. 5.

In view of the foregoing, the Office of Hazardous Materials Operations (OHMO) has determined that action on the proposed amendments is not appropriate at this time, and that Docket No. HM–120; Notice No. 74–11 should be withdrawn. The withdrawal of this proposal, however, does not preclude the OHMO from issuing similar notices in the future or commit the OHMO to any course of action.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (39 FR 29197) on August 14, 1974, and circulated as Docket No. HM–120; Notice No. 74–11 is hereby withdrawn.

(18 U.S.C. 834, 49 CFR 1.53(g))

Issued in Washington, D.C. on April 15, 1976.

WILLIAM K. BYRD,
Deputy Director, Office of Hazardous Materials Operations.

[FR Doc.76–11513 Filed 4–20–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 526–2]

SOUTH DAKOTA

Approval and Promulgation of State Implementation Plans

On May 31, 1972 (37 FR 10893), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved (with certain exceptions) South Dakota's plan for implementation of national ambient air quality standards.

On December 4, 1975, South Dakota submitted to EPA certain amendments to its air pollution control regulations. Included in these amendments are changes in the State regulations governing control strategy, prevention of air pollution emergency episodes and review of new sources and modifications.

The Regional Administrator hereby submits these amendments as proposed rulemaking (proposed revision of the South Dakota implementation plan). Public comments concerning the propriety of approving or disapproving the proposed revision are invited. Only comments received within 30 days from the publication of this notice will be considered by EPA. The Administrator's final decision to approve or disapprove the plan will be based on a determination of whether it meets the requirements of the Clean Air Act, Section 110(a)(2)(A)–(H), and 40 CFR Part 51.

SUMMARY OF CHANGES

The amendments to those portions of the South Dakota Plan concerning prevention of emergency episodes and new source reviews are principally clarifications of the existing procedures. Similar amendments in the regulations were made in enforcement and variance processing procedures. The revised emergency episode procedures satisfy the requirements of 40 CFR 51.16 as they relate to particulates and sulfur dioxide. The new source review regulations satisfy the requirements of 40 CFR 51.18 for direct sources but not for indirect sources. Therefore, the regulations adopted by the Administrator on February 25, 1974 (39 FR 7270), and July 9, 1974 (39 FR 25292), applicable to indirect sources, will remain in effect.

The proposed revision of the South Dakota control strategy results from certain additional amendments to the State regulations. New source standards for twelve source categories were adopted, ten of which are identical to EPA's Standards of Performance for New Stationary Sources (40 CFR Part 60). The ambient air standards for sulfur dioxide, carbon monoxide, photochemical oxidants, and hydrocarbons were revised to correspond to the national ambient air quality standards. Open burning regulations were clarified, and source sampling procedures were updated. Particulate emissions limitations were revised for incinerators, wood waste burners, and portable emission sources. Emission limitations for nitrogen oxide emissions from stationary sources were deleted from the regulations, as were emission limitations for motor vehicles. Such changes in the regulations should not substantially alter or delay attainment or maintenance efforts now underway in any of the State's air quality control regions. The proposed revisions are therefore consistent with the requirements of 40 CFR 51.12, .13, and .14.

Copies of the proposed plan are available for public inspection at the following locations:

Department of Environmental Protection, Joe Foss Building, Pierre, South Dakota 57501.

Environmental Protection Agency, Region VIII, Office of Public Affairs, 1860 Lincoln Street, Denver, Colorado 80203.

Freedom of Information Center, Environmental Protection Agency, Room 329, 401 M Street, S.W., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments, preferably in triplicate. Such comments will be accepted for consideration on or before May 21, 1976. Comments should be addressed to John A. Green, Regional Administrator, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the Denver Office noted above.

AUTHORITY: Section 110 of the Clean Air Act (42 U.S.C. 1857c–5); 39 FR 18805.

Dated: April 12, 1976.

JOHN A. GREEN,
Regional Administrator.
Environmental Protection Agency.

It is proposed that Part 52, Chapter I, Title 40 of the Code of Federal Regulations be amended as follows:

Subpart QQ—South Dakota

1. In section 52.2170, paragraph (c) is amended as follows:

* * * * * * *

(c) * * *

(4) Revisions of and additions to control regulations (Article 34:10 of the Administrative Rules of South Dakota) submitted December 4, 1975 by the Governor.

[FR Doc.76–11558 Filed 4–20–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

CRUDE OIL SUPPLIER/PURCHASER RULE

Notice of Proposed Rulemaking and Public Hearing

On January 15, 1976 the Federal Energy Administration ("FEA") proposed amendments to the crude oil supplier/purchaser rule (the "rule") set forth at 10 CFR 211.63 to reflect the changes in the domestic crude oil pricing structure mandated by the Energy Policy and Conservation Act (the "EPCA"). In this proceeding, amendments to the rule were adopted February 12, 1976 and essentially provide that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976, shall remain in effect for the duration of the mandatory allocation program. FEA adopted the amendments effective for the limited period of 90 days through May 11, 1976 and indicated that further changes to the rule would be considered in light of a number of areas of concern raised in the written comments and the testimony at the public hearing on February 2, 1976.

The amendments to the rule were adopted without extensive modifications from the proposal in order to have a rule

in effect conforming to the requirements of the EPCA. As indicated in the preamble to the amendments adopted, FEA has considered various alternative further amendments and is hereby proposing certain changes to the rule.

PROPOSED AMENDMENTS

GENERAL

The amendments proposed herein would retain the current general rule that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 are required to remain in effect for the duration of the mandatory allocation program except purchases and sales made to comply with FEA's buy-sell program and sales of federal royalty oil made under the program administered by the Department of the Interior. As provided in the current rule, domestic crude oil produced and sold from a property from which domestic crude oil was not being produced and sold on January 1, 1976 may be sold to any person, but once that sale is made, a supplier/purchaser relationship under § 211.63 would be established. The rule would also provide that the first sale of domestic crude oil made subsequent to a valid termination of the supplier/purchaser relationship under § 211.63(d) would be frozen as if such relationship had been in effect on January 1, 1976.

The current provisions applicable to any increased production of a property (over December 1975 levels) would be retained and provide that the increased production would be required to flow to the purchaser or proportionately to the purchasers that were entitled to the balance of the property's production. In this connection, a new provision is proposed implementing FEA's previously stated view that the actual monthly volume of production determines a purchaser's volumetric rights under the rule and any decline in production of a property below December 1975 levels would result in a proportionate volumetric reduction in supply obligations to each January 1, 1976 purchaser for a given month. Thus, the supply obligations established by the rule as to a specified property in a given month would not exceed the actual production of that property for the month.

TRANSFERS OF OWNERSHIP

New provisions are also proposed to be applicable to instances wherein ownership of production subject to the rule or ownership of a refinery supplied under the rule is transferred to a different person. In the event that the ownership of or rights to the production of a property is transferred to a new person, the obligation under § 211.63 to supply the January 1, 1976 purchasers of that property's crude production would attach to the new owner and new supplier/purchaser relationships would be established on that basis. In the event that a refinery to which crude oil subject to the rule is delivered is transferred to a new owner, the rights to deliveries of that crude oil to the refinery would attach to the new owner.

TERMINATIONS

The provisions relating to terminations of crude oil supplier/purchaser relationships are also proposed to be altered to reflect more accurately industry conditions and to be made more workable. Specifically, the proposed modification to paragraph (a)(1) of the present rule (set forth in § 211.63(d)(1) in the proposal) would no longer require that termination of a supplier/purchaser relationship be based on the mutual consent of both parties to the relationship but instead require only the consent of the purchaser (and the consent(s) of that purchaser's subsequent purchasers, if any). This would be consistent with the principal objective of the rule to assure that crude supplies continue to be available to historic purchasers.

A seller of crude oil would also be permitted to terminate a supplier/purchaser relationship where (1) the crude oil involved is thereafter supplied to a small refiner with a refinery capacity of 50,000 barrels per day or less or (2) the crude oil involved in new or stripper well oil and the present purchaser refuses after notice by the seller, to meet any bona fide offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser.

The proposed rule also provides that a producer may terminate a supplier/purchaser relationship involving stripper well oil upon 30 days written notice to the present purchaser where the present purchaser does not within a ten day period meet a bona offer by a proposed new purchaser to provide more favorable gathering and other enumerated services historically provided by purchasers. Among the numerous comments received by FEA in connection with its earlier proposal to amend § 211.63, many firms contended that purchasers under the rule would have no incentive to provide traditional services for producers. An example cited was where a purchaser could delay taking delivery of crude oil until after the end of a month and thus receive an extra month's time in which to make payment. Processing of division orders and completion of required title documentation could be similarly delayed, thus also delaying the purchaser's requirements to make payment. Finally, the purchaser could have latitude as to how efficiently it performed certain of its more technical functions, such as gauging the producer's tanks.

The termination provisions presently set forth in 211.63(d) have also been retained (in proposed § 211.63(d)(2)) and are proposed to be modified to provide that in cases where a reseller of crude oil can offer a price reflecting at least as favorable handling and transportation charges and offer to provide the same crude oil to the same ultimate refiner, a producer may terminate the supplier/purchaser relationship in favor of the new reseller, without obtaining the consent of the refiner (as is presently required under § 211.63(d)).

Section 211.63(d)(2) in the proposal provides for the following procedures pursuant to which a new reseller may be substituted for the current reseller. First, the new reseller must offer to establish a supplier/purchaser relationship for the domestic crude oil production involved with the same refiner that was supplied by the displaced reseller. In addition, the handling margin per barrel (the difference between the price paid by the new reseller and the price received by that reseller for the domestic crude oil involved) must not exceed the weighted average per barrel handling margin charged by the displaced reseller for all of the domestic crude oil that it purchases and resells. The new reseller is required to give 45 days notice in advance of any proposed termination to the reseller that it intends to displace, and that reseller is then required within 30 days of receipt of this notice first to provide copies of the notice to any refiner to which deliveries of crude oil would be affected by reason of the termination and secondly to advise the proposed new reseller as to the identity of these refiners, the volumes of production in question delivered to each of them and its weighted average handling margin per barrel. The new reseller then is required to offer to establish supplier/purchaser relationships with the same refiners or other firms that were supplied by the displaced reseller, with a handling margin per barrel not exceeding the weighted average handling margin per barrel of the prior reseller.

FEA believes that these revised procedures will permit freer substitutions in the crude oil reseller segment of the industry, will assure the continued flow of supplies to small and independent refiners and will not permit any unwarranted increases in transportation charges by new resellers. For these reasons, FEA has proposed to eliminate the requirement currently in effect that the refiner's consent be obtained, in that refiners should be adequately protected under the new conditions for reseller substitutions set forth herein.

EXEMPTION OF STRIPPER WELL PRODUCTION

In its discussion in the preamble to the February 12, 1976 final rule, FEA indicated that its authority to exempt a portion of domestic crude oil from allocation controls was limited because section 4(a) of the Emergency Petroleum Allocation Act of 1973, as amended ("EPAA"), requires allocations at the producer level as to both the lower (old) and upper tier (new and stripper well) crude oil. FEA is currently analyzing the possibility of exempting stripper well oil from such controls and hereby requests comments, views and opinions on whether this is desirable and particularly whether and on what basis the agency could make the requisite findings under section 12 of the EPAA.

PUBLIC COMMENT AND HEARING PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GR, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Further Amendments to Crude Oil Supplier/Purchaser Rule". Fifteen copies should be submitted. All comments received by May 3, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on May 6, 1976, and will be continued, if necessary, on May 7, 1976 in Room 2105, 2000 M Street, N.W., Washington, D.C.

Any person who has an interest in the subject matter of the hearing, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., April 28, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through May 5, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., April 30, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. before 4:30 p.m., e.d.t., on May 4, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., May 4, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

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

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 16, 1976.

MICHAEL F. BUTLER,
General Counsel.

Section 211.63 is revised in its entirety to read as follows:

§ 211.63 Supplier/purchaser relationships.

(a) *Scope.* This section provides for the allocation of crude oil produced in the United States other than crude oil which is the subject of (1) purchases and sales made to comply with § 211.65 of this subpart and (2) sales of crude oil made pursuant to Parts 225 and 225a, Chapter II of Title 30 of the Code of Federal Regulations.

(b) *General rule.* (1) All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976, shall remain in effect for the duration of this program; provided, however, that any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.

(2) Any domestic crude oil produced and sold from a property from which domestic crude oil was not produced and sold prior to January 1, 1976 may be sold in a first sale to any firm. Once such first sale, purchase or exchange of domestic crude oil is made, or once the sale, purchase or exchange of any domestic crude oil that has at any time been the subject of a supplier/purchaser relationship under subparagraph (1) of this paragraph (b) is made in accordance with this section to a firm that was not the purchaser thereof on January 1, 1976, a supplier/purchaser relationship between the seller and purchaser shall be established thereafter under this section as though it had been in effect on January 1, 1976.

(3) The provisions of this paragraph (b) shall not operate to validate any supplier/purchaser relationship in effect on January 1, 1976 where the purchaser of the domestic crude oil involved was not the lawful purchaser thereof under the provisions of this section as in effect at any time prior to February 12, 1976 and (ii) shall not impair any purchaser's rights under this section as in effect prior to February 12, 1976, including a purchaser's right to continue to receive the volumes of domestic crude oil flowing to it on December 1, 1973 or such later date at which its supplier/purchaser relationship was established under this section as in effect prior to February 12, 1976.

(c) *Supply obligations and purchase rights.* (1) Obligations and rights incident to supplier/purchaser relationships under this section applicable to domestic crude oil production from a property in a given month shall not exceed the actual production of that property for the month.

(2) Where the production of a property in a given month is below December 1975 levels, the supply obligations under this section for that production shall be reduced for that month as to each January 1, 1976 purchaser on a pro-rata basis, based on the volume purchased by that purchaser in December 1975.

(3) Increased production of domestic crude oil from a property over December 1975 production levels shall be sold proportionately to the same purchaser or purchasers that are entitled to purchase the December 1975 levels of domestic crude oil production of that property under this section.

(4) In the event that a property which produces crude oil subject to this section is transferred to a new owner, the obligation to supply the January 1, 1976 purchasers of that property's crude oil production shall attach to the new

owner and new supplier/purchaser relationships subject to this section shall be established on that basis.

(5) In the event that a refinery to which crude oil subect to this section is supplied is transferred to a new owner, the right to purchase such crude oil shall for purposes of this section be transferred to the new owner of the refinery and a new supplier/purchaser relationship subject to this section shall be established on that basis.

(d) *Termination of supplier/purchaser relationships.* (1) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(i) with the consent of the purchaser, provided all subsequent purchasers of the crude oil involved also so consent to such termination;

(ii) by the seller, provided the crude oil involved is upon termination immediately supplied to a small refiner with a refinery capacity not in excess of 50,000 barrels per day;

(iii) by the seller, if the present purchaser as to any new crude oil or stripper well crude oil (as defined in §§ 212.72 and 212.74, respectively, of Part 212 of this chapter), refuses, after notice by the seller, to meet any bona fide offer made by another purchaser to purchase such crude oil at a lawful price above the price paid by the present purchaser; and

(iv) by a producer (as defined in Part 212 of this chapter), in cases where the supplier/purchaser relationship terminated involves the purchase or stripper well crude oil (as defined in § 212.74 of Part 212 of this chapter), upon 30 days written notice to the present purchaser delivered after a ten day period in which the present purchaser does not meet a bona fide offer by a proposed new purchaser to provide the service of (A) gathering the producer's crude oil production on a more regular basis than the present purchaser, (B) processing any required division orders and title documentation on a more prompt basis than the present purchaser, or (C) gauging the producer's tanks on a more accurate or timely basis than the present purchaser.

(2) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated by a producer (as defined in Part 212 of this chapter) or reseller as to the firm purchasing from it provided, That:

(i) At least forty-five days in advance of any termination under this paragraph (d) (2), the producer or reseller shall give to the firm whose supplier/purchaser relationship is to be terminated a written termination notice stating the date of termination, the source and estimated volume of crude oil involved (including the portion of that volume that is priced as lower tier crude oil under Part 212 of this chapter), and the name and address of the new purchaser to which such crude oil is proposed to be sold;

(ii) Any firm that has received a termination notice from a producer or reseller as provided in subparagraph (2) (i) of this paragraph and by reason of such termination proposes to reduce its deliveries of crude oil to any refiner shall, within 30 days thereafter, provide a copy of that notice to any such refiner and advise the new purchaser from that producer or reseller as to the identity of the refiner or refiners to which copies of the termination notice were so provided, the volumes as to each such refiner of the reduction in deliveries, and as to that firm's weighted average per barrel handling margin for all crude oil purchased and resold by that firm, which margin is the difference between the price paid and the price received by that firm for that crude oil;

(iii) The refiners notified under subparagraph 2(ii) above shall be those refiners that received, either directly or through exchanges, the crude oil involved in the termination, and, if the crude oil involved in the termination is commingled with other crude oil and cannot be traced directly to a particular refiner, all refiners receiving crude oil from the commingled inventory shall be so notified;

(iv) The new purchaser of that crude oil from that producer or reseller shall offer to establish a supplier/purchaser relationship under this section as to the volumes of crude oil involved in the termination with the refiner or refiners that received a copy of the termination notice, at a price which shall include a handling margin per barrel equal to or less than that specified pursuant to subparagraph (2) (ii) above by the previous supplier that received the termination notice;

(v) The provisions of this paragraph (d) (2) shall not permit any refiner to terminate a crude oil supplier/purchaser relationship if the termination would result in that refiner, or any affiliated entity, becoming the new purchaser of the crude oil involved; and

(vi) Nothing in this paragraph (d) (2) shall be construed as authorizing any firm to terminate a supplier/purchaser relationship in breach of a contract or agreement it may have with another firm.

[FR Doc.76-11566 Filed 4-16-76;4:51 pm]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1306]

[Docket No. 36331]

PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

Posting and Filing of Round-Trip Excursion Fares

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of April 1976.

In this proceeding we propose to consider the amendment of existing tariff publishing regulations regarding the posting and filing of roundtrip excursion fares limited to a designated period of more than 3 days but not more than 30 days by motor common carriers of passengers. The proposal contemplates lengthening the time of notice from 3 days to 5 days.

It appearing, That § 1306.4(a) (2) and (3) of Title 49 of the Code of Federal Regulations authorizes the filing and posting upon notice of 3 days of tariffs by motor common carriers of passengers containing fares for round-trip excursions limited to a designated period of more than 3 days but not more than 30 days;

It further appearing, That the Commission's experience has been that in some cases the notice of 3 days does not allow interested parties sufficient time for the filing of petitions requesting suspension or investigation, nor for the Commission's experience has been that in some cases the notice of 3 days does not allow interested parties sufficient time for the filing of petitions requesting suspension or investigation, nor for the Commission to review the tariff filings in the carrying out of its duties under the Interstate Commerce Act, prior to the effectiveness of its duties under the Interstate Commerce Act, prior to the effectiveness of such fares;

And it further appearing, That continuing the authority to file and post these round-trip excursion fares on less than 30 days notice is in the interest of the riding public; therefore, the Commission proposes to lengthen the minimum notice to 5 days;

And good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the provisions of the Interstate Commerce Act and section 553 of the Administrative Procedure Act for the purpose of considering whether or not the facts and circumstances warrant the amendment of § 1306.4(a) of Title 49 of the Code of Federal Regulations (Rule 4(a) of Tariff Circular MP No. 3) in the manner set forth below.

It is further ordered, That all common carriers of passengers by motor vehicle be, and they are hereby, respondents in this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C., 20423, on or before May 21, 1976, the original and one copy of a statement of the person's intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) that the service of pleadings by parties in proceedings of this type be made only upon those who intend to take an active part in this proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, in-

cluding (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he or she genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he or she so desires to participate as described in "(2)", whether he or she will consolidate his or her interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need to served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure.

It is further ordered, That any interested person subsequently submitting initial written statements of facts, views, and arguments should specify therein (1) whether he or she opposes or supports the proposed regulations; (2) the reasons for such opposition or support; and (3) recommendations for alternate regulations if he or she opposes the proposed ones.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environmental within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in this proceeding shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation—National Environmental Policy Act, 1969, 340 ICC 431 (1972).

And it is further ordered, That statutory notice of this proceeding be given to the general public by mailing a copy of this order to all common carriers of passengers by motor vehicle, to the Governor of every State, and to the Public Utilities Commission or Board having jurisdiction over transportation in each state, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

By the Commission, Division 2, Commissioners Hardin, MacFarland and O'Neal (Commissioner Hardin did not participate).

[SEAL] ROBERT L. OSWALD,
Secretary.

It is proposed to revise 49 CFR 1306.4 (a) as follows:

§ 1306.4 Round-trip excursion fares.

(a) Sale of tickets. Fares for round-trip excursions may be established, without further notice, upon posting tariffs in advance in a public and conspicuous place where tickets for such round-trip excursions are to be sold, and filing two copies thereof with the Commission, as follows:

(1) For a round-trip excursion limited to a designated period of not more than 3 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting and filing with the Commission on not less than 1 day's notice;

(2) For a round-trip limited to a designated period of more than 3 days but not more than 30 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return journey, upon posting and filing with the Commission on not less than 5 days' notice;

(3) For a series of round-trip excursions, such series covering a period not to exceed 30 days, including the first date any ticket to be sold under the tariff may be used for the going journey and the last date any ticket to be sold under the tariff may be used for the return jorney, upon posting and filing with the Commission on not less than 5 days' notice as to the entire series.

* * * * *

[FR Doc.76-11552 Filed 4-20-76;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FIFTH NATIONAL BANK REGION

Notice of Meeting

A meeting of the Regional Advisory Committee on Banking Policies and Practices for the Fifth National Bank Region will be held May 14 and 15, 1976 at The Homestead, Hot Springs, Virginia. Both sessions will be open to the public and interested persons will be admitted on a first come basis.

Topics to be discussed will include the new examination procedures, organizational changes within the Office of the Comptroller of the Currency, the state of the economy and pending bank legislation.

Persons or groups planning to make statements please submit three copies to Mr. Clifford Poole, Regional Administrator of National Banks, Fifth National Bank Region. F & M Center, Suite 21-51, Richmond, Va. 23277, prior to May 3, 1976.

Dated: April 15, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-11454 Filed 4-20-76;8:45 am]

Office of the Secretary

METAL-WALLED ABOVE-GROUND SWIMMING POOLS FROM JAPAN

Antidumping Proceeding Notice

On March 16, 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 metal-walled aboveground swimming pools from Japan are being, or are 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.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates that the prices of the imported merchandise allegedly sold at less than fair value are substantially below the prices of the comparable domestic product. Such underselling allegedly has contributed to a loss of sales, loss of market share and declining profits and employment within the U.S. industry.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (190 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States 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 information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the constructed value.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APRIL 14, 1976.

[FR Doc.76-11264 Filed 4-20-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on May 11-12, 1976. The first day will be spent at the Naval Intelligence Support Center, Suitland, Maryland, commencing at 9:00 a.m. The second day the Panel will meet at the Pentagon, Washington, D.C., beginning at 8:30 a.m. The sessions will terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including presentations on ocean surveillance, intelligence programs, foreign naval operations, new technology, and U.S. Navy plans and programs. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code.

Dated: April 15, 1976.

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

[FR Doc.76-11482 Filed 4-20-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

QUALIFIED JOINT BIDDERS

As a convenience to the public, and pursuant to his authority under 43 CFR 3300, the Director of the Bureau of Land Management hereby publishes a list of all persons who have timely filed a Statement of Production in accordance with 43 CFR 3302.3-2(a) which has qualified them to bid jointly during the Bidding Period May 1, 1976, through October 31, 1976. This publication is not required by law or regulations and may in some respects be incomplete.

The following companies have filed sworn Statements of Production as required by 43 CFR 3302.3-2(a) attesting to average daily production not in excess of 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the production period of July 1, 1975, through December 31, 1975:

STATEMENTS OF PRODUCTION—JULY 1, 1975-DECEMBER 31, 1975

Al-Aquitaine Exploration, Ltd.
Alasko U.S.A., Ltd.
Allied Chemical Corporation
Alminex U.S.A., Inc.
Alpex, Inc.
AMAX Petroleum Corporation
Amerada Hess Corporation
American Independent Oil Company
American Natural Gas Production Company
American Petrofina Company of Texas
American Petrofina Exploration Company
Atlantic Richfield Company
Austral Oil Company Incorporated
Australian Pacific Groups, Inc.
Aztec Oil & Gas Company
Basin Exploration Corp.
Basin Petroleum Corp.
Belco Petroleum Corporation
Bethlehem Steel Corporation
Brooklyn Union Gas Company
Burma Oil and Gas Company
Burma Oil Development, Inc.
Buttes Gas & Oil Co.
Cabot Corporation
Canadian Occidental of California, Inc.
Canadian Superior Oil (U.S.) Ltd.
CanDel Oil (U.S.) Inc.
Carolina Hunt Trust Estate
Case-Pomeroy Oil Corporation
Central Hudson Gas & Electric Corporation
Challenger Oil & Gas Company
Champlin Petroleum Company
Chansior-Western Oil and Development Company
CIGOL Petroleum Inc.
Cities Service Company
C&K Marine Production Company
C&K Offshore Company
C&K Petroleum, Inc.
CNG Producing Company
Colorado Oil Company, Inc.
Columbia Gas Development Corporation
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Continental Oil Company

Corning Natural Gas Corporation
Crowley Exploration, Inc.
Decalta International Corporation
DEPCO, Inc.
Diamond Shamrock Corporation
Dow Chemical Company
Ecee, Inc.
El Paso Natural Gas Company
Energy Development Corporation
Energy Reserves Group, Inc.
Equity Oil Company
Era North America, Inc.
ERMA LOWE
Excel-Mineral Company, Inc.
Exchange Oil & Gas Corporation
Fairway Petroleum, Inc.
Farmers Union Central Exchange, Incorporated
Felmont Oil Corporation
Florida Gas Exploration Company
Four M Properties, Ltd.
Freeport Minerals Company
Furth Oil Co.
Gas Producing Enterprises, Inc.
General American Oil Company of Texas
General Crude Oil Company
Getty Oil Company
Greenbrier Operating Co.
Hamilton Brothers Exploration Company
Hamilton Brothers Oil Company
Hamilton Brothers Petroleum Corporation
Harbert Construction Corporation
Hassie Hunt, Incorporated
H. C. Price Co.
Highland Resources, Inc.
High Seas Exploration, Inc.
Home Petroleum Corporation
Houston Oil & Minerals Corporation
Hudbay Exploration, Inc.
Hunt Energy Corporation
Hunt Industries
Hunt Investment Corporation
Hunt Oil Company
Hunt Petroleum Corporation
Husky Oil Company
H. W. Bass & Sons, Inc.
ICI Delaware Inc.
Idemitsu Alaska Oil Development Corporation
ISCO, Inc.
Jenney Oil Company, Incorporated
Kerr-McGee Corporation
Kirby Exploration Company
Koch Industries, Inc.
Ladd Petroleum Corporation
Lamar Hunt Trust Estate
Long Island Lighting Company
Louisiana Land and Exploration Company (The)
Louisiana Land Offshore Exploration Company, Inc.
Lowe Petroleum Company
Maralo, Inc.
Marathon Oil Company
Margaret Hunt Trust Estate
Maruzen Oil of Alaska, Inc.
McMoRan Exploration Co.
Mesa Petroleum Co.
Mono Power Company
Monsanto Company
M. Ralph Lowe, Inc.
Murphy Oil Corporation
National Cooperative Refinery Association
National Fuel Gas Distribution Corporation
NATRESCO, INCORPORATED
Nelson Bunker Hunt Trust Estate
Nepco Exploration Corporation
New England Energy Incorporated
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
North Central Oil Corporation
Northern Natural Gas Company
North Oil Inc.
Northwestern Mutual Life Insurance Company
Ocean Oil & Gas Company
Ocean Production Company
ODECO Drilling, Inc.
OFFSHORE COMPANY (THE)
Ogle Development Corporation
Ogle Petroleum Inc.
Oil Development Company of Texas
Orange and Rockland Utilities, Inc.
OXY PETROLEUM, INC.
PAVILION NATURAL GAS COMPANY (THE)
PanCanadian Petroleum Company
Pelican Exploration, Ltd.
Pennzoil Company
Pennzoil Louisiana and Texas Offshore, Inc.
Pennzoil Offshore Gas Operators, Inc.
Pennzoil Producing Company
Pexamin Petroleum Company
Pinto, Inc.
Phillips Petroleum Company
Placid Oil Company
Quintana Oceanic, Inc.
Quintana Offshore, Inc.
Reading & Bates Oil and Gas Co.
Rochester Gas and Electric Corporation
Rowan Petroleum, Inc.
Samedan Offshore Corporation
Samedan Oil Corporation
Santa Fe Minerals Co. U.S.
Siboney Corporation
Skelly Oil Company
Sohio Petroleum Company
SONAT Exploration Company
Southland Royalty Company
St. Joe Petroleum (U.S.) Corporation
St. Lawrence Gas Company, Inc.
Sun Oil Company
Superior Oil Company (The)
Syracuse Suburban Gas, Inc.
Tenneco Exploration, Ltd.
Tenneco Exploration, II, Ltd.
Tenneco OCS Company, Inc.
Tenneco OCS Limited Partnership
Tenneco Offshore Company, Inc.
Tenneco Oil Company
TERRA RESOURCES, INC.
Tesoro Petroleum Corporation
Texas Eastern Exploration Co.
Texas Eastern Transmission Corporation
Texas Gas Exploration Corporation
Texasgulf Inc.
Texas International Petroleum Corporation
Texas Pacific Oil Company, Inc.
Texas Production Company
TOTAL Leonard, Inc.
Transco Exploration Company
TransOcean Oil, Inc.
Union Oil Company of California
United States Steel Corporation
Vsea, Inc.
Weeks Natural Resources, Inc.
William Herbert Hunt Trust Estate
Williams Exploration Company

In addition, Statements of Production have been received from nine companies who produced a daily average of 1.6 million or more barrels of crude oil, natural gas and liquified petroleum products during the previously mentioned production period, and are therefore restricted from bidding jointly with each other during the bidding period of May 1, 1976, through October 31, 1976. This list appeared in the FEDERAL REGISTER Vol. 41, No. 68, of April 7, 1976.

FRANK A. EDWARDS,
Acting Associate Director,
Bureau of Land Management.

APRIL 16, 1976.

[FR Doc.76-11445 Filed 4-20-76;8:45 am]

TENTATIVE GEOTHERMAL LEASE SCHEDULES

The following notice announces certain Known Geothermal Resources Areas tentatively scheduled for sale for the remainder of Fiscal Year 1976 and all of Fiscal Year 1977 and certain areas tentatively scheduled for noncompetitive lease processing for Fiscal Year 1977 and Fiscal Year 1978.

TENTATIVE COMPETITIVE GEOTHERMAL LEASE SCHEDULE, FISCAL YEAR 1976

Date	Known geothermal resources areas:
Nevada,	
Apr. 20	Darrough–Dixie Valley, Nev.
May 13	Klamath, Oreg.
May 20	Lightning Dock, N. Mex.
June 15	Brady – Beowawe – Hot Springs Point-San Emidio (reoffer), Nev.
June 23	Crane Creek, Idaho.
June 29	Marysville, Mont.
Transition quarter:	
July	Vulcan, Idaho.
Do	Randsburg, Calif.
August	Boulder, Mont.
September	The Geyser–Calistoga, Calif.
Fiscal year 1977:	
October	Baca No. 1–San Ysidro, N. Mex.
Do	Leach–Dixie Valley, Nev.
November	Alamosa County – Mineral Hot Springs—Valley View, Colo.
Do	Frazier – Mountain Home (reoffer) – Castle Creek (reoffer), Idaho.
December	Vale (reoffer)–Crump Geysers (reoffer), Oreg.
Do	Baca No. 1 (Sale No. 2), N. Mex.
Do	Kyle, Nev.
January	Wendel–Amadee and Witter Springs, Calif.
February	Ruby Valley, Nev.
March	Burns Butte, Oreg.
Do	Baca No. 1 (Sale No. 3), N. Mex.
April	Breitenbush–Indian Heaven, Wash.
Do	Pinto, Nev.
May	Radium Springs, N. Mex.
June	Baltzor, Nev.
August	Silver Peak – Wilson – Rye Patch–Colado, Nev.
Sept.	Indian Valley (Part of Geysers), Calif.
Do	Cove Fort–Thermo–Monroe (reoffer), Utah.
Specific date not set.	Mono–Long Valley, Calif.
Fiscal year 1978:	
October	Gerlach NE., Nev.
December	Fly Ranch NE., Nev.
February	Salt Wells Basin, Nev.
March	Island Park–Yellowstone, Idaho.
April	Carey Hot Springs, Oreg.
Do	West Yellowstone, Mont.
May	Lower Frisco–Gila Hot Springs, N. Mex.
August	Knoxville and Glamis–Dunes, Calif.
Do	Double Hot Springs, Nev.
September	Beckwourth Peak, Calif.
Specific date not set.	Coso, Lassen, Saline Valley, Calif.

Each sale will range from 10–30,000 acres. Individual sale announcements will appear as special notices in the FEDERAL REGISTER and in a newspaper of general circulation in the State and county affected.

TENTATIVE NONCOMPETITIVE GEOTHERMAL LEASE SCHEDULE

State	*Fiscal Year 1977*
Arizona	Aqua Caliente, Vulture.
California	Wendel-Amadee, Indian Valley, Owen Lake and Tecopa, Yuha and Anza, North Salton Sea.

State	Fiscal year 1978
Colorado	Possibly Grand Junction District (Glenwood Springs Area).
Idaho	Lidy Hot Springs, Soda Springs (Joint USFS), Grays Lake (Joint USFS), Magic (Shoshone District).
Montana	Corwin Springs (KGRA) & Associated Non-Comp. App., Upper Yellowstone.
Nevada	Ely, Caliente — Virgin Valley.
New Mexico	Santa Ana/Guadalupe San Ysidro, Baca Location (Forest Service), Radium Springs —White Sands, Strawberry Peak/Water Canyon.
Oregon	Beulah, Owyhee, Cow Creek (Vale District), Harney Lake, Burns Butte (Burns District).
Utah	Crater Springs, Navajo Lake (FS).
Wyoming	All Targhee, Teton or Caribou National Forests.
Arizona	Recortado Mountain, Whitlock, San Francisco.
California	Knoxville, Beckwourth, Glamis - Dunes - East Mesa, Saline Valley, Hayden Hills, Timbered Crater.
Colorado	Possibly Craig District (Steamboat Springs Area) (Juniper Hot Springs Area).
Idaho	Craters of the Moon (or EIS), Heise Hot Springs, Island Park (Joint USFS) (EIS).
Montana	West Yellowstone (KGRA) & Associated Non-Comp. App., Madison River Area.
Nevada	None.
New Mexico	Ojo Caliente, Gila Hot Springs (Forest Service). Deming-Silver City.
Oregon	None.
Utah	Do.
Wyoming	Do.

Interested Persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before May 31, 1976.

FRANK A. EDWARDS,
Acting Associate Director,
Bureau of Land Management.

[FR Doc. 76-11483 Filed 4-20-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION
PUBLISHED IN FEDERAL REGISTER
NOVEMBER 13, 1975 (40 FR 52870-71)

Applicant: Director, Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811.

Official Action: Issued permit February 6, 1976: "Authorized to export as specified in Block 10 (Patuxent Wildlife Research Center to the Canadian Wildlife Service, Ottawa, Canada), two (2) Whooping Crane Eggs (*Grus americana*), for the purpose of scientific research."

Note: Under date of February 18, 1976, an amendment to this permit was issued, as follows:

"Authorized to export as specified in Block 10, three (3) Whooping Crane Eggs (*Grus americana*), for the purpose of scientific research."

NOTICE OF APPLICATION
PUBLISHED IN FEDERAL REGISTER
DECEMBER 1, 1975 (40 FR 55681-82-83)

Applicant: California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, E. C. Fullerton, Director.

Official Action: Issued permit February 11, 1976: Authorized to conduct scientific research and propagation activities in the State of California with the following species:

1. Owens River Pupfish (*Cyprinodon radiosus*).
2. Unarmored Threespine Stickleback (*Gasterosterus aculeatus williamsoni*).
3. Blunt-Nosed Leopard Lizard (*Crotaphytus silus*).
4. Desert Slender Salamander (*Batrachoseps aridus*).
5. Santa Cruz Long-toed Salamander (*Ambystoma macrodactylum croceum*).
6. California Condor (*Gymnogyps californianus*).
7. Southern Bald Eagle (*Haliaeetus leucocephalus leucocephalus*).
8. American Peregrine Falcon (*Falco peregrinus anatum*).
9. Brown Pelican (*Pelicanus occidentalis*).
10. San Joaquin Kit Fox (*Vulpes macrotis mutica*).

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER NOVEMBER 26, 1975 (40 FR 54847-48)

Applicant: Windy Hills Bird Farm, Route 4, Box 160, Robstown, Texas 78380, Mr. Bob Riley.

Official Action: Issued permit February 13, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from New York to Robstown, Texas), one (1) male, and one (1) female Palawan Peacock Pheasant (*Polyplectron emphanum*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER DECEMBER 18, 1975 (40 FR 58669-70-71)

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112, Clyde A. Hill, Curator of Mammals.

Official Action: Issued permit February 13, 1976: "Authorized to conduct the following activities for the purpose of propagation—

1. Import two (2) male, and one (1) female Crowned Mongoose Lemur (*Lemur mongoz coronatus*), from the Cologne Zoo, West Germany, to the San Diego Zoological Garden, San Diego, California.

2. Export one (1) male, and one (1) female Red Ruffed Lemur (*Varecia variegatus ruber*), and—one (1) female White Uakari Monkey (*Cacajoa calvus calvus*), to the Cologne Zoo, West Germany, from the San Diego Zoological Garden, San Diego, California."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER NOVEMBER 26, 1975 (40 FR 54848)

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director.

Official Action: Issued permit February 17, 1976: "Authorized to transport interstate, in the course of a commercial activity, as specified in Block 10 (from New York to the St. Louis Zoological Park), one (1) male, and one (1) female White-eared pheasant (*Crossoptilon crossoptilon*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER NOVEMBER 24, 1975 (40 FR 54448-49)

Applicant: Henry J. Markley, Jr., 1915 Beal Road, Mansfield, Ohio 44903.

Official Action: Issued permit February 23, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from New York to Ohio), one (1) male, and one (1) female White-eared Pheasant (*Crossoptilon crossoptilon*), and—one (1) male, and one (1) female Brown-eared Pheasant (*Crossoptilon mantchuricum*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER DECEMBER 1, 1975 (40 FR 55684-85)

Applicant: James F. Smith, R.R. 2, Winfield, Kansas 67156.

Official Action: Issued permit February 23, 1976: "Authorized to receive interstate, in the course of commercial activity, as specified in Block 10 (from Spencer, Wisconsin, to Winfield, Kansas), the following endangered pheasants, for the purpose of propagation:

MIKADO PHEASANTS (*Syrmaticus mikado*) 1.1,
BAR-TAILED PHEASANTS (*Syrmaticus humiae*) 1.1."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER DECEMBER 10, 1975 (40 FR 57500-01-02)

Applicant: Director, New Mexico Department of Game and Fish, State Capitol, Santa Fe, New Mexico 87503.

Official Action: Issued permit February 23, 1976: Authorized to conduct scientific research and propagation activities in the State of New Mexico with the following endangered species:

1. Black-footed Ferret (*Mustela nigripes*).
2. Mexican Duck (*Anas diazi*).
3. Southern Bald Eagle (*Haliaeetus leucocephalus leucocephalus*).
4. American Peregrine Falcon (*Falco peregrinus anatum*).
5. Pecos Gambusia (*Gambusia nobilis*).
6. Gila Topminnow (*Peociliopsis occidentalis*).
7. Colorado River Squawfish (*Ptychocheilus lucius*).
8. Gila Trout (*Salmo gilae*).

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER JANUARY 12, 1976 (41 FR 1801-02)

Applicant: Little Rock Zoological Gardens, No. 1 Jonesboro Street, Little Rock, Arkansas 72205, Charles G. Wilson, Director.

Official Action: Issued permit February 26, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Philadelphia, Pennsylvania, to Little Rock, Arkansas), one (1) male, and one (1) female Orangutan (*Pongo pygmaeus*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER JANUARY 15, 1976 (41 FR 2267-68)

Applicant: Overton Park Zoo & Aquarium, Memphis, Tennessee 38112, Dr. Joel D. Wallach, Director.

Official Action: Issued permit February 26, 1976: "Authorized to receive interstate in the course of a commercial activity, one (1) male, and one (1) female Ring-tailed Lemur (*Lemur catta*), as specified in Block 10 (from the Jimmy Morgan Zoo, Birmingham, Alabama, to the Overton Park Zoo and Aquarium, Memphis, Tennessee), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER JANUARY 9, 1976 (41 FR 1619–20)

Applicant: Leland B. Hayes, Route 1, Box 11, Silesia, Montana 59080.

Official Action: Issued permit February 26, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Colorado and Nebraska, to Silesia, Montana), for the purpose of propagation, the following endangered pheasants:

Bar-tailed pheasant (*Syrmaticus humiae*) 1.1,
Brown-eared pheasant (*Crossoptilon mantchuricum*) 1.1,
Schlater's monal pheasant (*Lophophorus sclateri*) 1.1,
Edward's pheasant (*Lophura edwardsi*) 1.1,
Imperial pheasant (*Lophura imperialis*) 1.1,
Mikado pheasant (*Syrmaticus mikado*) 1.1,
Swinhoe's pheasant (*Lophura swinhoii*) 1.1,
White-eared pheasant (*Crossoptilon crossoptilon*) 1.1."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER DECEMBER 9, 1975 (40 FR 57373–74)

Applicant: William P. Hauser, 1509 S. 138th, Tacoma, Washington 98444.

Official Action: Issued permit February 27, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10, (from New York and Oregon, to Tacoma, Washington), two (2) male, and two (2) female Nene Geese (*Branta sandvicensis*), for the purpose of propagation, as follows:

1. One (1) male Nene Goose, and one (1) female Nene Goose, from New York.
2. One (1) male Nene Goose, and one (1) female Nene Goose, from Oregon."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER JANUARY 9, 1976 (41 FR 1620–21)

Applicant: Ozark Bantam Game Farm, Route 1, Box 358, Hillsboro, Missouri 63050, Hollis Carlos, Owner.

Official Action: Issued permit February 27, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Salem, New Hampshire, to Hillsboro, Missouri), one (1) female Brown-eared Pheasant (*Crossoptilon mantchuricum*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER DECEMBER 31, 1975 (40 FR 60101–02)

Applicant: U.S. Fish and Wildlife Service, Region 1, Post Office Box 3737, Portland, Oregon 97208, R. Kahler Martinson, Regional Director.

Official Action: Issued permit February 27, 1976: Authorized to conduct activities with Pahrump Killifish (*Empetrichythys latos*), as specified in Block 10 (Corn Creek, Desert National Wildlife Range, School Springs Pubfish Facility, Manse Springs, Ely Endangered Fish Refugium, University of Nevada Campus, and the Steinhardt Aquarium), for the purposes of scientific research and propagation.

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: April 16, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–11568 Filed 4–20–76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

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

Applicant: T. Lloyd Campbell, 25–48 23rd Street, Astoria, L.I.C., New York 11102.

OMB NO. 42-R1670

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

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

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

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
SHIP TWO PAIRS OF PHEASANTS (ENDANGERED SPECIES) IN INTERSTATE COMMERCE IN THE COURSE OF COMMERCIAL ACTIVITY FOR PROPAGATION PURPOSES

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
T. LLOYD CAMPBELL
25-48, 23RD ST
ASTORIA, L I, N.Y. 11102

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10½" WEIGHT: 155
DATE OF BIRTH: 4/25/1922
COLOR HAIR: BROWN COLOR EYES: HAZEL
PHONE NUMBER WHERE EMPLOYED: 212-953-1250
SOCIAL SECURITY NUMBER: 043-28-4843
OCCUPATION: ACCOUNTANT
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

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

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
INTERSTATE SHIPMENT FROM COLORADO TO EASTERN LONG ISLAND N.Y.

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

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NOT REQUIRED

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $17.23

10. DESIRED EFFECTIVE DATE: 12/31/75

11. DURATION NEEDED: 3 YEARS

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

CERTIFICATION

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

SIGNATURE (In ink): T. Lloyd Campbell
DATE: 11/3/75

3-200 (5-74) GPO 895-042

T. LLOYD CAMPBELL,
25–48 23rd Street,
Astoria, L.I.C., N.Y., March 24, 1976.

Re PRT 8–408–C–X.

C. R. BAVIN,
Chief, Division of Law Enforcement, United States Department of the Interior, Fish and Wildlife Service, Washington, D.C.

DEAR SIR: In reference to your letter of March 3, 1976, listed below are the species of birds I have reared and propagated in the past twelve years.

1. Impeyan Monal (Lopho Impeyanus).
2. Satyr Tragopan (Tragopan Satyra).
3. Malay Crested Fireback (L. Rufa).
4. Silver Pheasant (L. Nycthemera).
5. Mikado (S. Mikado).
6. Swinhoe's (L. Swinhoei).
7. Golden (C. Pictus).
8. Green (Phasianu Versicolor).
9. Swinhoe's (Lophura Swinhoii).

10. Germains Peacock Pheasant (Polyplectron Germini).
11. Edwards Pheasant (L. Edwardsi).
12. Great Argus (Argusianus Argus).

Thanking you for your cooperation in the above matter.

Very truly yours,

T. LLOYD CAMPELL.

T. LLOYD CAMPBELL,
25-48 23rd Street,
Astoria, L.I., N.Y., January 7, 1976.

Re Your PRT 8-408-C-X.

UNITED STATES DEPARTMENT OF THE INTERIOR
Director (FWS/LE),
P.O. Box 19183,
Washington, D.C.

DEAR SIR: With reference to your letter dated December 24, 1975, I list below information required in 50 CFR 17.22:

1. Mikado Pheasant (Syrmaticus Mikado), Swinhoe's Pheasant (Lophura Swinhoii), Two Pairs 1974 Hatch for Propagation Purposes.
2. Born in captivity.
3. Not taken its natural habitat but from the above (2) for stud purposes to try and maintain a high standard of the species.
4. Raised in captivity By Arlan Vaughn, 375 Midnight, Pueblo, Colo. 81005.
5. In a suburban district at 643 Broadway, Amityville, L.I., N.Y. 11701.
6. 1. Housing area 10 ft. by 20 ft. x 8 ft. per pair, Approx 100 sq. ft. per bird.
2. Five years breeding and raising other species assisted by The Ornithology Dept. of the Bronx Zoo, New York when necessary.
3. I am prepared and willing as always to participate in a cooperative breeding program and to maintain and contribute to a Data Stood Book.
4. To be shipped via Air Freight in a well ventilated foam padded container approx. 2 x 2' x 18" within a 24-hour period.
5. None.
7. None—Self.
8. 1. Strictly as a hobbiest.
2. To the best of my ability.
3. To enhance the propagation and survival of the species indefinitely.

Very truly yours,

T. LLOYD CAMPBELL.

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

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 21, 1976 will be considered.

Dated: April 16, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11504 Filed 4-20-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

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

Applicant: E. Norbert Smith, Ph.D., 119 Countess Drive, Box 00417, West Henrietta, New York 14586.

OMB NO. 42-R1670

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

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

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

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Collect and transport 5 immature American alligators (endangered species) from Texas to New York for the purpose of scientific research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
E. Norbert Smith, Ph.D.
119 Countess Drive, Box 00417
West Henrietta, New York 14586
Phone: Home (716) 334-3279
School (716) 464-2059

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

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	6'0"	230
DATE OF BIRTH	COLOR HAIR	COLOR EYES
July 6, 1941	Red	Green
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
(716) 464-2059	443-40-3693	

OCCUPATION
Teacher/Research

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Rochester Institute of Technology
One Lomb Memorial Drive
Rochester, New York 14623

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A

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

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
a) Scientific Collecting Welder Wildlife Refuge, Sinton, Texas
b) Interstate transport from Texas to New York
c) Scientific research at Rochester Institute of Technology, Rochester, New York 14623

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

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Texas special scientific permit no. 20 (attached).

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

10. DESIRED EFFECTIVE DATE
June 1, 1976

11. DURATION NEEDED
Two years

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

CERTIFICATION

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

SIGNATURE (In ink) E Norbert Smith — DATE 6 Feb 76

3-200
16-741

GPO 895-042

ATTACHMENTS

Item 12 Form 3-200

Texas special scientific permit No. 20 dated January 2, 1976. This state permit is required for scientific collecting of American alligators (endangered species) in Texas.

Note: The New York State permit has not been applied for as it will not be issued until a valid federal permit has been issued.

B. Letter of support from Welder Wildlife Foundation. It is from this foundation that the alligators will be collected.

C. Attachment as required by 50 CFR subpart C—Endangered Wildlife, 17.22 permits for scientific purposes or for the enhancement of propagation or survival.

(1) Five immature American alligators, *Alligator mississippiensis* ranging in age from 1 to 5 years old will be collected for scientific research. Animals of both sexes will be collected.

(2) Alligators will be collected from the wild.

(3) Wild caught alligators in good health are necessary for the proposed study. Animals obtained from dealers and/or zoos would not be acceptable.

(4) Animals will be caught at night by noosing and/or hand grabbing from the Welder Wildlife Refuge, Sinton, Texas.

(5) Animals will be maintained in my laboratory in the Biology Department, College of Science, Rochester Institute of Technology, Rochester, New York for the purpose of scientific research.

(6) 1. The alligators will be maintained in my laboratory in a 150 gallon livestock watering tank. Water will be maintained at 80°F and a dry basking site will be provided. An

automatic timer will provide 12 hours light plus 6 hours basking lamps each day.

Alligators will be fed chopped rabbit and laboratory rats weekly and the water changed after each feeding. Small alligators will be maintained in 30 gallon aquariums with a dry basking site provided.

ii. I have maintained alligators for scientific research for the past five years. The past two years at Texas Tech University I successfully maintained 12 alligators for research purposes. Survivors were released back into the wild.

iii. I will be eager to share my findings with interested individuals. Research results will be published in appropriate scientific journals. Unpublished data will be available upon request.

iv. Alligators will be transported from Texas to New York by private automobile. Animals will have their mouths taped closed and be restrained in Burlap bags. The bags will be kept moist when the air temperature is warm. Alligators have been successfully transported by this method with no mortality. The alligators will not require food or water (other than the water used to keep the bags wet) during transit.

v. During the past five years I have accidentally killed 5 alligators out of nearly 100 animals studied. Three were killed during collecting. One of an apparent broken neck (due to violent struggling), one of suffication and one of heat stress. Collecting techniques have been improved to minimize the risk. I now use noosing poles with an automatic break-away that prevents a struggling alligator from hurting itself. All collecting bags are of open weave to eliminate suffication. I maintain collected alligators in an air conditioned building to avoid heat stress.

The two remaining alligators were killed as a direct result of experiments. Improved experimental design will minimize the risk to experimental animals. No animals have escaped or died as the result of improper care or feeding.

(7) Alligators will be collected at the Welder Refuge, Sinton, Texas, by the applicant and assisted by Mr. Dan Girton. Proposed dates of activity are from June 14 to July 30, 1976.

(8) i. The purpose of this study is twofold:

a. To continue the study of Physiological Thermoregulation of the American alligator. Specifically I want to investigate heating/cooling rates under various air speed conditions and investigate cutaneous vasodilation in response to heat.

b. To examine the alligators blood O_2, CO_2 and lactic during disturbance evoked bradycardia.

ii. a. Alligators will be restrained and heated and cooled under conditions of different air speed. Body temperature, heart rate and respiration rate will be measured. Surgically implanted heat flow disks will monitor heat flux through the integument.

b. Femoral canulation will provide blood samples during forced dives. Heart rate and respiration rate (while surfaced) will be measured. Blood samples will be analyzed for O_2, CO_2, pH, lactic acid.

iii. The above measurements have not been made on any crocodilian and will help provide data describing the Physiological Thermoregulation of this important group of animals. A better understanding of the physiology of the American alligator will aid in the development of proper management procedures.

iv. Alligators will be turned over to the Buffalo Zoo or released back into the wild in appropriate alligator habitate.

D. Also enclosed are three reprints demonstrating my previous work with the Thermoregulatory Physiology of the American alligator.

E. A Criticulum Vitae is enclosed for your examination.

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

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 21, 1976 will be considered.

Dated: April 16, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11505 Filed 4-20-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

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

Applicant: Lincoln Park Zoological Gardens, 100 West Webster Avenue, Chicago, Illinois 60614.

OMB NO. 42-R1670

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

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

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

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase one female captive bred & born Ruffed Lemur, Varecia variegatus from the San Diego Zoo and transport to the Lincoln Park Zoological Gardens, Chicago Illinois, 60614, USA. For pairing with captive bred & born male at Lincoln Park, born in 1975.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Lincoln Park Zoological Gardens
100 West Webster Avenue
Chicago, Illinois 60614 USA
Telephone: 312-294-4660 or 4667

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Municipal Zoo, wildlife exhibition conservation through captive breeding, scientific study and educational activities & programs.

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

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 312-294-4660 / 4665
Dr. Lester E. Fisher, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Lincoln Park Zoological Gardens
100 West Webster Avenue
Chicago, Illinois 60614 USA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ XX YES ☐ NO
(*If yes, list license or permit number(s)*) Examples:
PRT 1-08; PRT 8-271-C; PRT6-3-I-75Z

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

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ US $ 50.00

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.15*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

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

SIGNATURE (*In ink*) — DATE
Dennis Andrew Truitt Jr. — 5 March 1976

3-200
10-74

MARCH 5, 1976.

DIRECTOR,
Fish and Wildlife Service,
United States Department of the Interior,
P.O. Box 19183,
Washington, D.C.

DEAR SIR: The Lincoln Park Zoological Gardens, 100 West Webster Avenue, Chicago, Illinois 60614, U.S.A., telephone Area Code 312, 294-4660 hereby applies for a permit to purchase one female Ruffed Lemur, *Varecia variegatus* under the Endangered Species Act of 1969 and 28 December, 1973.

We are seeking this permit to obtain a captive bred and born female as a potential mate for a captive bred and born male produced at Lincoln Park Zoological Gardens on 23 April, 1975. The pairing of these two captive born lemurs will give us the potential for another breeding pair.

The principal officer of the Lincoln Park Zoological Gardens is Lester E. Fisher, D.V.M., Director. Dr. Fisher has been Director since 1962, and prior to this was zoological veterinarian beginning in 1947.

The Ruffed Lemur female would be housed with her intended mate at the Lincoln Park Zoological Gardens, Chicago, Illinois, in our Primate House. This primate was born at the San Diego Zoological Gardens, P.O. Box 551, San Diego, California 92112 on 1 May 1974, one of a trio. The mother of these triplets was herself captive born at the San Diego Zoo on 26 May, 1969. The father is a wild caught animal received at San Diego on 14 January, 1965. Although the Ruffed Lemur has been referred to as *Lemur variegatus* in some taxonomic references, we will follow the suggestion of the San Diego Zoo and prefer to use the scientific name *Varecia variegatus*.

Enclosed is the appropriate correspondence verifying the birth date and lineage of this female captive born lemur. The terms of the sale and purchase price are also provided.

The Lincoln Park Zoological Gardens currently has one adult pair of Ruffed Lemurs which were received on 19 February 1971 as wild caught animals under Endangered Species permit number ES-4 from the USDI. This pair produced its first offspring, a stillborn singleton on 24 May 1973. Their second offspring, also a singleton was born on 23 April 1975 and was sexed as a male in the fall of 1975. At this time the male offspring is living with its parents, having been reared by them.

Lincoln Park Zoological Gardens has a long term commitment to endangered species, many of which the USDI has already received documentation for. We have been very successful in the breeding and rearing of primates, particularly since 1962. During the time span of 1962-1973 members of the *Family Lemuridae* in the collection produced the following offspring: 22 Brown Lemurs, *Lemur macaco fulvus;* 17 Ring-tailed Lemurs, *Lemur catta;* 3 Mongoose Lemurs, *Lemur mongoz mongoz* and 1 Ruffed Lemur, *Varecia variegatus*. Additionally, in 1975 1/0 Ruffed Lemur; 1/0 Black Lemur, 0/0/4 Brown Lemur and 0/1 Ring-tail Lemur were bred, born and reared.

Sufficient numbers of at least two lemur species have been produced in our facility, so that we have been able to place on breeding loan, several groups with other qualified zoological institutions. Previous premit applications have documented these placements of mammals. We will continue in these cooperative efforts in the future and are deeply committed to these breeding and captive conservation efforts.

Enclosures document the mammal breedings and births for this time period. A total listing of all families is included to substantiate these mammalian births.

Lincoln Park Zoological Gardens hopes to be able to establish a second breeding pair of Ruffed Lemurs, *Varecia variegatus* with the acquisition of this captive born female. We are committed to the long term maintenance and study of these lemurs at our facility. We have accumulated a substantial number of behavioral observations on this lemur species with the aid of the Lincoln Park Zoological Society's Docent organization. A specially staff-trained group of volunteers within this organization, called the Docent Behavioral Group have made over 150 hours of observations on our existing Ruffed Lemur trio. These behavioral observations are ongoing and will be expanded upon the acquisition of the requested female. Activity cycles, breeding behavior and mother-infant relationships have been noted and preliminary analysis made. These observations have aided us in our management and husbandry of this species. The addition of this female lemur would give us a second pair with breeding potential and the probability to add to the captive population in the long run. Since this lemur is captive bred, this acquisition will not affect the wild population in any way.

This lemur would be housed in our primate house in a unit comparable in size, area and design now in use for the breeding pair of Ruffed Lemurs. Climbing perches, shelvevs, swinging devices, nest boxes and sleeping areas would be similar to those used for the adults. Enclosed sketches illustrate this existing area in our facility.

All animals (mammals, birds and reptiles) at Lincoln Park Zoological Gardens are assigned individual inventory numbers that are unique to that individual. Each is assigned a separate inventory and history card on which pertinent information is recorded. Additionally, we are participating with the American Association of Zoological Parks and Aquariums (AAZPA) computer inventory system, known as the International Species Inventory System (ISIS). Record keeping is the responsibility of the professional staff. Mark A. Rosenthal, Curator of Mammals, is directly responsible for mammal records. Dennis A. Meritt, Jr., Assistant Director, also assists in various ways in the areas of record-keeping, husbandry and management. Please find enclosed curriculum vitae for the appropriate staff pertinent to this application.

Lincoln Park Zoological Gardens cooperates in national and international studbooks, and is the home of the Snow Leopard (*Panthera uncia*) studbook for the AAZPA. Previous documentation has substantiated our efforts in cooperative breeding projects.

Our Director, Dr. Lester E. Fisher, is a veterinarian and we have a full time veterinarian, Dr. Erich R. Maschgan, as well.

Lincoln Park Zoological Gardens is deeply concerned with conservation efforts. We are internationally recognized for our captive efforts with Felines, Edentates, Great Apes, Lemurs and a variety of small mammals. We have always willingly and freely given information to other institutions as is our responsibility, as well as commitment.

We intend to carry out this lemur project indefinitely or until such time as it proves no longer feasible to do so. We fully intend to further the future of this species through our breeding efforts. In the event of future surplus of this species, we would be willing to dispose of them to qualified institutions with the best interests of the species in mind.

There is direct flight air transportation from San Diego to Chicago. In the event of an unforeseen difficulty with this routing, the animal could be sent from Los Angeles on a direct non-stop flight.

The shipping crate to be used will exceed minimum standards required by the International Air Transport Association. Feeding and watering provisions will be built into the shipping container. Please see enclosed letter for documentation.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated this 5th day of March 1976 at Chicago, Illinois, U.S.A.

Very truly yours,

DENNIS A. MERITT JR.,
Assistant Director,
Lincoln Park Zoological Gardens.

DOCUMENTATION APPENDIX

1. Clyde Hill's letter of 26 January, 1976 (Lineage and birth date).
2. Clyde Hill's letter of 17 February, 1976 (Purchase price and terms).
3. Mammals born Lincoln Park Zoological Gardens 1962-1973.
4. Mammals born Lincoln Park Zoological Gardens 1975.
5. Ruffed Lemur cage diagram.
6. Curriculum vitae for:
1. Dr. Lester E. Fisher.
2. Mark A. Rosenthal.
3. Dennis A. Meritt, Jr.

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

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 21, 1976 will be considered.

Dated: April 16, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11506 Filed 4-20-76;8:45 am]

National Park Service

FORT VANCOUVER NATIONAL HISTORIC SITE, WASH.

Negative Declaration

In compliance with the National Environmental Policy Act of 1969, the National Park Service has prepared an environmental assessment on the alternatives for the proposed master plan for Fort Vancouver National Historic Site in Vancouver, Washington. After making an environmental review of the assessment, the National Park Service has concluded that an environmental impact statement is not needed.

The environmental assessment and review are on file and available for inspection upon request at the Regional Office, National Park Service, Fourth and

Pike Building, Seattle, Washington, 98101, and at the Superintendent's office, Fort Vancouver National Historic Site, Vancouver, Washington 98661. The assessment considers the nature of the resources, various alternatives, their impacts, mitigating measures, adverse effects, and additional considerations that provide a basis for the conclusion that an environmental statement is not needed.

The National Park Service will therefore proceed with the development of the master plan for Fort Vancouver National Historic Site.

Dated: March 17, 1976.

EDWARD J. KURTZ,
Acting Regional Director.

[FR Doc.11444 Filed 4-20-76;8:45 a.m.]

[INT FES 76-20]

GLEN CANYON NATIONAL RECREATION AREA

Notice of Availability of Final Environmental Statement

In the matter of a Special Use Permit, Underground Transmission Line for Greenehaven Development, Glen Canyon National Recreation Area.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a 1,341 foot underground transmission line in Glen Canyon National Recreation Area.

The environmental statement considers the effects of transmission line construction to serve the Greenehaven Development on Arizona State land inside the park.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Farfet Street, Lakewood, Colorado 80215.
State Director, Salt Lake City Field Office, National Park Service, 125 South State Street, Salt Lake City, Utah 84111.
Superintendent, Glen Canyon National Recreational Area, P.O. Box 1507, Page, Arizona 86040.

Dated: March 31, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-11448 Filed 4-20-76;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document on the above subject issued jointly by the Department of Commerce and the Department of the Interior, see FR Doc. 76-11512 under the Department of Commerce in the notices section of this issue of the FEDERAL REGISTER.

DEPARTMENT OF AGRICULTURE

[Amdt. 12]

Commodity Credit Corporation

NONFAT DRY MILK

Monthly Sales List (Fiscal Year Ending June 30, 1976)

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510, as amended, is further amended by revising the provisions of Section 27 entitled "Nonfat Dry Milk—Unrestricted Use Sales", published at 41 FR 1094, to read as follows:

Market price but not less than 65.5 cents per pound for U.S. Extra Grade spray process in 50 pound bags.
Sales are in carlots only in-store at storage location of products. Sales are made under Announcement MP-14.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: April 1, 1976.

Signed at Washington, D.C. on April 14, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-11473 Filed 4-20-76;8:45 am]

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Public Meeting

Pursuant to Public Law 92-463 notice is hereby given that the Commodity Credit Corporation Advisory Board will meet at 8:30 a.m. on Monday, May 10, 1976 and Tuesday, May 11, 1976, in Room 2-W of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to advise the Secretary of Agriculture relative to surveys of the general policies of the Commodity Credit Corporation, including Corporation policies in connection with the purchase, storage and sale of commodities, and the operations of lending and price support programs.

The meeting will be open to the public. Any member of the public may file a written statement with the Board before or within one week following the meeting.

The names of the members of the Advisory Board, Agenda, Summary of the Meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 207-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on April 15 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-11472 Filed 4-20-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A331]

CALIFORNIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following California Counties as a result of drought November 1, 1975, to March 12, 1976, in all of the 24 counties listed below; and also freeze, in addition to the drought, in Tulare County from December 31, 1975, to January 5, 1976:

Alameda	Napa
Amador	Nevada
Calveras	Riverside
Colusa	San Benito
Contra Costa	San Joaquin
Fresno	San Luis Obispo
Glenn	Solano
Kings	Stanislaus
Los Angeles	Sutter
Madera	Tehama
Merced	Tulare
Monterey	Yolo

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edmund G. Brown, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than June 1, 1976, for physical losses and January 3, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 14th day of April 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-11474 Filed 4-20-76;8:45 am]

[Notice of Designation Number A332]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Iowa Counties as a result of the natural disasters shown:

Audubon—drought July 1 through August 25, 1975
Louisa—drought July 1 through August 24, 1975

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of

Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than June 1, 1976, for physical losses and January 3, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 14th day of April 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-11475 Filed 4-20-76;8:45 am]

[Notice of Designation Number A335]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Platte County, Missouri, as a result of drought June 1 through August 30, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for emergency loans must be received by this Department no later than June 7, 1976, for physical losses and January 6, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 14th day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-11476 Filed 4-20-76;8:45 am]

DEPARTMENT OF COMMERCE

[File No. 26(71)-6, Case No. 473]

Domestic and International Business Administration

GERT WENZEL AND WENZEL ELECTRONIK

Order Placing Respondents on Probation for Export Control Violations

In the matter of Gert Wenzel, Wenzel Elektronic, Lamonstrâsse 32, 8 Munich 80, Federal Republic of Germany, Respondents.

In accordance with the provisions of the Export Administration Regulations, 15 CFR 388.3, a letter was issued on September 5, 1975, charging Gert Wenzel and Wenzel Elektronik with violating the provisions of the regulations prohibiting negotitions or sales with denied persons without prior disclosure or specific authorization from the Office of Export Administration.

The record discloses that respondents reexported certain electronic components, which are listed in the Commodity Control List, to a denied party whose name has appeared on the Table of Denial and Probation Orders since 1964. (15 CFR Part 388, Supp. I & II) Respondents admit sales to the denied parties. They assert that the transactions were consummated by a discharged employee who had acted contrary to instructions and in manner inimical to the best interests of his employer. Respondents have shown they no longer import components, but that imports are limited to complete instruments; this would reduce the likelihood of an inadvertent disposal to a denied person.

Pursuant to 15 CFR 388.10, a proposal was offered by respondents for a consent order. The proposal was concurred in by the Director, Compliance Division, and was submitted to the Hearing Commissioner. By its terms respondents tacitly recognize the violations occasioned by sale of components with denied persons. They agree to a probationary period for one year from the effective date of the order.

The Hearing Commissioner reports that the two sales, aggregating less than $2,000 of low unit value electronic components, were processed by an employee in derogation of his instructions and in manner inimical to the best interests of respondents; the employee was discharged. Nevertheless, respondents acknowledged responsibility and admitted negligence in failing to adequately supervise the employee. In view thereof, and in reliance on a report from the Compliance Division that respondents have no record of prior or subsequent violations and are not suspect, the Commissioner expressed the view that respondents' dealings with denied persons were due to negligence and not because of any willful or deliberate intent and that it is reasonable to anticipate that respondents will continue in full compliance and there will be no further cause to question their activities. He recommends acceptance of the consent agreement, the terms of which will serve as an on-going reminder that respondents must maintain vigilance to insure continued compliance.

I find the respondents are in violation with the Export Administration Regulations by reason of the reexport of a controlled item to a person on the Denial and Probation List. I also find that the consent proposal providing for imposition of probation for a period of one year is fair and reasonable, therefore, it is

ORDERED

1. Pursuant to Export Administration Act of 1969, as amended, 50 U.S.C. App. § 2401, et seq., and the Regulations 15 CFR Part 388, respondents Gert Wenzel and Wenzel Elektronik are placed on probation for a period of one year. During that time respondents will be permitted all U.S. privileges on condition that they do not violate any provision of the Export Administration Act or Regulations issued thereunder. However.

2. Upon a finding by the Director, Office of Export Administration, or other authorized officer, that respondent has failed to comply with the requirements and conditions of this order or with the requirements and conditions of probation, said official, without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are involved, such officer may revoke the probation of the respondent and he may revoke all outstanding validated export licenses to which respondent may be a party and deny all respondent's export privileges for the remaining period of this order. If a supplemental order should be issued because of breach of the terms and conditions herein, it will contain the proscriptions of 15 CFR 387.10 and 388.1. A supplemental order will not preclude the Bureau of East-West Trade from taking further action in connection with any violation. Respondent will be permitted to file objection to a supplemental order, petition that the order be set aside, and may request an oral hearing in accordance with the pertinent Export Administration Regulations, 15 CFR 388.16; but proceeding under section 388.16 will not stay the order of revocation which order will remain in effect until otherwise modified or canceled.

Dated: April 14, 1976.

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

[FR Doc.76-11462 Filed 4-20-76;8:45 am]

Economic Development Administration

EXCELLENT BAG CORP.

Notice of Petition for a Determination

A petition by Excellent Bag Corporation, 50 Washington Street, Brooklyn, New York 11201, a producer of handbags and purses, was accepted for filing on April 13, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by

the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-11449 Filed 4-20-76;8:45 am]

National Oceanic and Atmospheric Administration

DIANNA WILSON ALLEN

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Dianna Wilson Allen, P.O. Box 971, Donna, Texas 78737, to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions will be taken from the California Channel Islands by a professional collector, acclimated to captivity by the collector, and transported to the Applicant by air freight.

The sea lions will be maintained in a salt water pool, 7 feet long, 8 feet wide, and 3 feet deep, with a cage of the same dimensions situated above the pool. A portable pool, 10 feet in diameter, is also available to the sea lions.

Mrs. Allen currently exhibits two sea lions in a traveling seal show, which performs in circuses, and at shopping centers and schools. The requested animals will be trained to perform in this show. The sea lions will be transported between show sites by truck.

Mrs. Allen has been training and exhibiting sea lions for approximately 50 years. Her engagements at schools are arranged with a School Assembly Service.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices: Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER (4-21-76), the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before May 21, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 15, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-11409 Filed 4-20-76;8:45 am]

BALTIMORE ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Baltimore Zoo, Druid Hill Park, Baltimore, Maryland 21217, to take five (5) Atlantic harbor seals (*Phoca vitulina concolor*) for public display.

The requested seals will be taken by a professional collector from the Mere Point area of Casco Bay (Maine), by means of two nets 50 feet in length and 12 feet deep, with a 12 inch stretch mesh.

The seals will be transported to the Baltimore Zoo by truck. The animals will be accompanied by two qualified trainers. The animals will be contained in a crate with individual compartments, constructed to hold 6 inches to 8 inches of water. At the facility, the animals will be maintained in a display pool 36' x 38' x 7' deep, plus a sheltered area 12' x 30' x 7' deep.

The animals will be on continuous display with an average attendance of 400,000 visitors per year.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices: Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Concurrent with the publication of this notice in the FEDERAL REGISTER (4-21-76), the Secretary of Commerce is sending copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before May 21, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 14, 1976.

HARVEY M. HUTCHINGS,
Associate for Resource Management, National Marine Fisheries Service.

[FR Doc.76-11408 Filed 4-20-76;8:45 am]

BRUCE MATE

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. Bruce Mate, Assistant Professor, Oregon State University, School of Oceanography, Marine Science Center, Newport, Oregon 97365, to take by killing twenty (20) harbor seals (*Phoca vitulina richardii*) and forty (40) California sea lions (*Zalophus californianus*), for the purpose of scientific research.

The animals will be collected by the applicant in the Rogue River by either shotgun or rifle at close range from a boat. Animals will be recovered immediately by grapling hook with skin divers ready to assist in recovery. The animals will be either necropised on location, at the Oregon Institute of Marine Biology, OSU Marine Science Center, or the OSU School of a Veterinary Medicine's diagnostic lab. Transport of the animals will be in a refrigerated enclosed pick-up to facilitate transport and prevent deterioration of the specimens. The proposed research will be conducted, over a 2½-year period, in the Rogue River and associated estuary area during all seasons of the year. Skeletal material will be distributed to various museums and instructional programs. Soft tissues will be distributed to other scientists and institutions with valid requests.

The proposed research is intended to provide information for an assessment of the impact of marine mammals on the

Rogue River ecosystem, primarily through an analysis of feeding habitat and prey species.

Documents submitted in connection with this application are available in the following offices: Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER (4–21–76), the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 21, 1976. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 14, 1976.

HARVEY M. HUCTHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76–11407 Filed 4–20–76;8:45 am]

WINDSOR SAFARI PARK LTD.

Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Windsor Safari Park Ltd., Royal Windsor, Berkshire, England to take two (2) short-finned pilot whales (*Globicephala macrorhynchus*) for public display.

The pilot whales will be taken by personnel of Sea World, San Diego, California, from waters off the coast of California.

The requested pilot whales will be maintained and displayed, along with three bottlenosed dolphins in the Dolphinarium complex at Royal Windsor Safari and Leisure Park. The Dolphinarium consists of a main pool (88 feet long, 42 feet wide and 13 feet deep, capacity 300,000 gallons), three holding pens (each 12 feet square and 5 feet deep, capacity 13,500 gallons), and an indoor pool (25 feet square and 13 feet deep, capacity 50,700 gallons.)

The pilot whales will be displayed in a performing exhibit, which will be viewed by approximately 900,000 persons annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in this application have been inspected by licensed veterinarians who have certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

All statements and opinions contained above in this noitce in support of this application are summaries based on those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Director, NMFS, through the Department of the Environment of the United Kingdom, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity.

(b) includes: i. A verification, from the Ministry of Agriculture, Fisheries and Food of the United Kingdom, of the information set forth in the application;

ii. A certification from the Department of the Environment that the Government of the United Kingdom is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Department of the Environment will have no objection to an NMFS decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Department of the Environment and the Ministry of Agriculture, Fisheries and Food of the United Kingdom have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following Offices: Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Islands, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER (4–21–76), the Secretary of Commerce is forwarding copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 21, 1976. The holding of such hearing is at the discretion of the Director.

Dated: April 14, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director, for Resource Management, National Marine Fisheries Service.

[FR Doc.76–11410 Filed 4–20–76;8:45 am]

National Oceanic and Atmospheric Administration

ROGER J. REED

Application for Endangered Species Permit—E12

Notice is hereby given that the following Applicant has applied in due form for a permit to take an endangered species of fish for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974, FEDERAL REGISTER on pages 41375–41377.

Dr. Roger J. Reed, Leader, Massachusetts Cooperative Fishery Research Unit, Holdsworth Hall, University of Massachusetts, Amherst, Massachusetts 01002, has applied to take, by capture and tagging of live specimens and by collection of specimens inadvertently killed, for research purposes an endangered species of fish, the shortnose sturgeon (*Acipenser brevirostrum*), in the Connecticut River of the State of Massachusetts from 1976 to 1980.

The objectives of the proposed research are: 1. To study the biological characteristics of the population of shortnose sturgeon in the Connecticut River between Holyoke and Turners Falls dams, including determinations of population size, age structure, and general migratory behavior;

2. To study the effects of tagging on shortnose sturgeon behavior;

3. To increase knowledge of the biology of this endangered species for the proper enhancement of the survival of the species; and

4. To assess the impact of the proposed thermonuclear power plant at Montague, Massachusetts, on the stability of this shortnose sturgeon population.

In the process of accomplishing these objectives, the Applicant proposes to capture, record physical data, tag and release shortnose sturgeon in the Connecticut River from Holyoke Dam to Turners Falls Dam from May through October during the years 1976 through 1980.

The capture will be by use of gill nets and 250-foot bag seine in order to collect specimens for data and the tagging will be by use of dart tag or sonic tag. Captured sturgeon will be held in running water containers for a short time to collect observational data and permit

tagging and then released back into the river at the site of taking. A few fish will be held in holding tanks for several days to allow study of behavior.

No specimens are to be sacrificed; however, any inadvertent mortalities from handling during the course of study will be housed at the University of Massachusetts Zoology Department museum.

In connection with this proposed project, the Applicant has submitted a detailed curriculum vitae, including a list of his extensive scientific publications on United States fresh water fishes, for himself as principal investigator, and a list of four scientists to serve as references.

Documents submitted in connection with this application are available for review in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven St., N.W., Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 21, 1976. The holding of such a hearing is at the discretion of the Director.

Any statements and opinions that may be contained in this notice in support of this application are summarized from information supplied by the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 15, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-11567 Filed 4-20-76;8:45 am]

Office of Energy Policy and Programs

NATIONAL INDUSTRIAL ENERGY COUNCIL

Notice of Public Meeting

A meeting of the Sub-Council on Industry Programs of the National Industrial Energy Council will be held on Friday, May 28, 1976, from 10:30 a.m. to 12 Noon in Conference Room 4830, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Sub-Council will meet to discuss the progress of the objectives of the 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 Ms. Kay Courtney, Office of Energy Policy and Programs, Room 2011, U.S. Department of Commerce, 14th & Const. Avenue, N.W., Washington, D.C. 20230 Tele: (202) 377-3535.

Dated: April 12, 1976.

JAMES V. SHIRCLIFF,
Executive Director, National Industrial Energy Council.

[FR Doc.76-11502 Filed 4-20-76;8:45 am]

NATIONAL INDUSTRIAL ENERGY COUNCIL

Notice of Public Meeting

A meeting of the Sub-Council on Program Development of the National Industrial Energy Council will be held on Friday, May 21, 1976, from 10:30 a.m. to 12 Noon, in Conference Room 4830, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Sub-Council will meet to discuss the progress of the objectives of the 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 Ms. Kay Courtney, Office of Energy Policy and Programs, Room 2011, U.S. Department of Commerce, 14th & Const., Avenue, N.W., Washington, D.C. 20240 Tele: (202) 377-3535.

Dated: April 12, 1976.

JAMES V. SHIRCLIFF,
Executive Director, National Indus rial Energy Council.

[FR Doc.76-11503 Filed 4-20-76;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam and American Samoa

On December 30, 1975, the Departments of the Interior and Commerce published in the FEDERAL REGISTER a Joint Notice announcing the rules to be used by the Departments in the allocation of 1976 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands, Guam, and American Samoa (40 F.R. 59767 et seq.). This notice provided inter alia that annual quotas for calendar year 1976 would be allocated as soon as practicable after April 1, 1976, and would be based on the following criteria:

VIRGIN ISLANDS

(1) The number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975; (2) The dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation; and (3) the total dollar amount of income taxes paid by such producer in the territory during calendar year 1975 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid to such producer during calendar year 1975.

In making allocations under this formula, a weight of 35 percent was assigned to production and shipment history, a weight of 50 percent was assigned to wages as specified above, and a weight of 15 percent was assigned to the total dollar amount of income taxes paid during calendar year 1975 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

GUAM

(1) The number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975, and (2) The dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, 40 percent was assigned to production and shipment history and 60 percent to wages as specified above.

AMERICAN SAMOA

No allocation formula is provided for American Samoa as there is only one producer in the territory. As a temporary measure, pending announcement of final statistics to be issued by the United States International Trade Commission on total apparent United States watch consumption during 1975, and the verification of data submitted in support of individual quota applications by producers located in the Virgin Islands, Guam and American Samoa, initial 1976 calendar year quotas were allocated to eligible producers that had received duty-free watch quotas for calendar year 1975.

Representatives of the Departments visited each quota holder in the Virgin Islands, Guam and American Samoa during March to verify the data submitted in support of individual quota applications. The verification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar

year 1975, as well as the amount of wages subject to FICA taxes paid during calendar year 1975 to persons whose pay was attributable to Headnote 3(a) watch assembly operations in the territories. The verification of income taxes paid by Virgin Islands producers during calendar year 1975 attributable to Headnote 3(a) watch assembly operations was considerably facilitated under the revised criteria published in the 1976 rules.

The number of watches and watch movements authorized for shipment on or after January 1, 1976, under initial and supplemental initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1976.

VIRGIN ISLANDS

Name of Firm:	*Number of units*
1. Admiral Time	36,526
2. Antilles Industries, Inc.	499,181
3. Atlantic Time Products Corp	650,000
4. Belair Time Corporation	281,303
5. Consolidated Watch Industries Ltd.	150,000
6. Hampden Watch Co., Inc.	175,000
7. Master Time Company, Ltd.	375,000
8. Micro Manufacturing Corporation	73,573
9. Quality Products Company, Inc	253,107
10. Roza Watch Corporation	494,825
11. Standard Time Company	244,999
12. Sussex Watch Corporation	110,852
13. TMX Virgin Islands, Inc.	670,000
14. Unitime Corporation	600,000
15. Watches, Incorporated	193,634

GUAM

1. Marco Watch Co., Inc.	260,904
2. Phoenix Industries, Inc.	36,096
3. Westminster Time Corporation	50,000

AMERICAN SAMOA

1. Pacific Time Corporation	239,000

Quotas of producers in the Virgin Islands and Guam reflect (1) adjustments made as a result of the verification of data submitted by individual producers; (2) reallocation of voluntarily relinquished quota pursuant to Section 2 of the 1976 allocation rules among existing producers; and (3) quota set aside by the Departments pursuant to Section 8 and, with respect to Guam only, Section 2 of the 1976 rules for possible allocation to new firms.

Assigned quotas may be adjusted at anytime during this calendar year in the event it becomes apparent that shipments through December 31, 1976 by any firm will be less than 90 percent of the number of units allocated to it.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

FRED M. ZEDER,
Director, Office of Territorial Affairs, Department of the Interior.

APRIL 16, 1976.

[FR Doc.76-11512 Filed 4-20-76;8:45 am]

[Department Organization Order 15-3; Transmittal 288]

OFFICE OF COMMUNICATIONS

Department Organization Order Series

Correction

In FR Doc. 76-9788 apeparing at page 14567 of the issue for Tuesday, April 6, 1976, the number in the bracketed heading which reads "Transmission 1288" should read "Transmittal 288", as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Notice of Meeting

This notice announces the following forthcoming meeting of a public advisory committee of the Food and Drug Administration and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)):

Committee name	Date, time, and place	Type of meeting and contact person
Subcommittee on Development of Guidelines for Testing of Gastrointestinal Drugs of the Gastrointestinal Drugs Advisory Committee.	May 17 and 18, 9 a.m., Conference Room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing/open committee discussion, 9 a.m. to 4 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301 443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing on issues pending before the committee: discussion and preparation of draft guidelines for gastrointestinal drugs.

Agenda items are subject to change as priorities dictate.

Dated: April 15, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-11457 Filed 4-20-76;8:45 am]

[Docket No. 76F-0096]

CALOR AGRICULTURE RESEARCH

Notice of 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 MF3655) has been filed by Calor Agriculture Research, 2367 Science Pkwy., Okemos, MI 48864, proposing issuance of a food additive regulation under 21 CFR Part 121 to provide for the safe use of fermented ammoniated condensed whey as a source of protein and nonprotein nitrogen for ruminant animals.

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: April 14, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-11460 Filed 4-20-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-436), that the National Advisory Council on Equality of Educational Opportunity will convene at 9:00 a.m. on Wednesday, May 26, until 5:00 p.m. and reconvene at 9:00 a.m. on Thursday and Friday, May 27 and 28, until 4:30 p.m. at the Essex Room, A & B, Hyatt Regency Hotel, 265 Peachtree Street, Atlanta, Georgia.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act P.L. 92-318), Title VII as amended by P.L. 93-380). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The entire meeting will be devoted to the review of the evaluation material thus far compiled on the operation of the Emergency School Aid

Act, Basic and Pilot school programs. Reports by NACEEO's own Evaluation Subcommittee will provide the principal orientation to all the members. Dr. Herman Goldberg, Associate Commissioner for Equal Educational Opportunity, U.S. Office of Education, will make a presentation to the Council concerning the recent ESAA funding cycle.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, N.W., Suite 710, Washington, D.C., and are available for public inspection.

Signed at Washington, D.C. on April 16, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76-11500 Filed 4-20-76;8:45 am]

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Information Resources Committee of the Advisory Council on Women's Educational Programs will be held from 1:00 p.m. to 9:00 p.m. on May 7, 1976, at the Prom-Sheraton Hotel, Sixth and Main Streets, Kansas City, Missouri.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93-380, Section 408 (f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Information Resources Committee will be open to the public. The agenda for the meeting will include plans for the Council project on rural women's educational equity.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, N.W., Washington, D.C.

Signed at Washington, D.C. on April 16, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-11537 Filed 4-20-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Cancelled Meeting

Notice of Cancellation of Public Meeting of the National Advisory Council on Education Professions Development.

Reference is made to the Notice appearing in the FEDERAL REGISTER of Tuesday, March 30, 1976 which stated that the National Advisory Council on Education Professions Development would hold a special meeting on April 23, 1976 in Washington, D.C.

Notice is hereby given that the meeting is cancelled.

GEORGE E. ARNSTEIN,
Executive Director.

APRIL 19, 1976.

[FR Doc.76-11717 Filed 4-20-76;8:45 am]

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to Section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on matters of general policy with respect to the Medicare and Medicaid programs will meet on Monday, May 10 at 9:00 a.m. and Tuesday, May 11, 1976 at 9:00 a.m. in the HEW Auditorium on the first floor of the Department of Health, Education, and Welfare's North Building, Third and C Streets, S.W., Washington, D.C. Principal consideration will pertain to proposals for Medicare and Medicaid, administrative and reimbursement reform. These meetings are open for public observation.

Further information on the Council may be obtained by contacting Ronald M. Klar, M.D., M.P.H., Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A-31, 5600 Fishers Lane, Rockville, Maryland 20852, telephone (301) 443-3274 and 443-4728.

Dated: April 12, 1976.

RONALD M. KLAR,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.76-11463 Filed 4-20-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket No. H-75-4]

LOCOMOTIVE INSPECTION TEST PROGRAM

Report and Order

The Federal Railroad Administration (FRA) has been considering the institution of a limited test program concerning the utilization of different inspection requirements for certain types of electrically powered multiple unit passenger cars. The test program under consideration is identified as FRA General Docket No. H-54-4.

Following public notice (40 FR 47522), FRA held a public hearing in this proceeding on November 6, 1975, for the receipt of additional comments and data. The FRA has received data and comment concerning the advisability of instituting such a test program as well as on the terms and conditions which should be applicable if FRA determines that it is appropriate to institute such a test program.

The proposed test program contemplated that only the multiple unit, electrically powered, passenger cars of the Port Authority Trans Hudson Corporation (PATH) would be utilized for this test program. PATH currently operates approximately 300 multiple unit cars of recent vintage which would be the subject of the test program.

The equipment operated by PATH presently receives inspection and testing at intervals prescribed by the locomotive inspection regulations in 49 CFR Part 230. Those regulations require, in part, that these units be inspected at least once every 30 days to determine that the equipment meets the applicable provisions of the regulations (49 CFR 230.451(a)). The data available to FRA has indicated that advances in the technology and design for many of the components for this equipment may warrant the use of longer inspection intervals than those established by current FRA regulations. Information available to FRA, concerning the operations of carriers who furnish exclusively rapid transit service over their lines, indicates that equipment which is similar to that operated by PATH is subjected to divergent safety inspections practices which permit longer inspection intervals. To date FRA has learned of no reason why the use of lengthened inspection intervals in this test environment will impinge on the safety of PATH operations.

The test proposal, which is the subject of this proceeding, was designed to obtain reliable data concerning this equipment. In order to acquire that data the test program would permit the time interval required by 49 CFR 230.451(a) to be altered. No other provision relating to testing or inspecting presently required by Sections 230.400 through 230.458 would be altered. The test would be conducted in three phases. The phases would have a minimum duration of six months. During each phase the inspection interval would be increased by ten days. At the completion of each phase the data acquired would be reviewed to determine the appropriateness of continuing the test program.

In response to the public notice, FRA has received considerable comment on the advisability of conducting such a test program involving PATH. Representatives from the American Public Transit Association, Southeastern Pennsylvania Transportation Authority, Erie Lackawanna Railway, Long Island Railroad, Penn Central Transportation Company and Reading Railroad indicated that such a test would in their opinion be appropriate. Representatives from the Brotherhood of Locomotive Engineers and the Railway Employes' Department of the AFL-CIO indicated that in their view the test program would not be appropriate. The representative from the Brotherhood of

Locomotive Engineers recommended that in the event that FRA did proceed with this proposed test program that the program should not exceed nine months and that each phase not exceed three months. It was also recommended that FRA personnel do the data acquisition work rather than monitor the PATH personnel in their data acquisition function and that the maintenance practices of PATH be detailed in order to correlate the impact of those practices on the test program. The Railroad Safety Board (Board) has reviewed the information in this proceeding in order to determine whether a temporary waiver of compliance with the pertinent section of the locomotive inspection regulation and the granting of authority to conduct such a test program to PATH is appropriate. On the basis of all of the available information including the comments received in response to the public notice, the Board has decided that the granting of a temporary waiver for the purpose of conducting a test program is appropriate. In reaching that decision the Board has determined that a waiver of compliance with 49 CFR 230.451(a) is consistent with railroad safety and in the public interest.

In reaching that decision the Board has concluded that advances in design and technology have occurred which may warrant permitting this equipment to operate with longer intervals between periodic inspections. The experience of some carriers who operate similar equipment in rapid transit service appears to support the conclusion that the improvements may warrant a change in the intervals between periodic inspections, for this particular type of equipment. The use of a limited test program to gather reliable data concerning these matters has therefore been authorized.

The test program which the Board has approved in order to gather that data will be conducted in phases. During the initial phase, Phase One, the time interval for performing the inspections required by 49 CFR 230.451(a) is set at 40 (forty) days. Phase One shall last for a period of not less than 6(six) months. At the completion of that 6 months period a review and analysis of the data will be made to evaluate the test. The Board has delegated responsibility to the Associate Administrator for Safety to evaluate the data at that point in time. The Associate Administrator for Safety shall determine whether to proceed with the test program. The Board has authorized him to terminate the test program or modify the terms of the test program, if necessary, to accomplish the Board's purpose. In the event that he determines, after this 6-month period or longer period set by him, that the data supports using a further increase in the interval he may permit the initiation of Phase Two of the test program. During Phase Two the time interval for performing the inspections required by 49 CFR 230.451(a) will be set at fifty (50) days. At the end of six months the Associate Administrator for Safety will again review the data and evaluate the proper course of action to be taken at that point in time. In the event that the data supports a further increase in the interval he may permit the initiation of Phase Three of the test program.

In Phase Three the time interval for performing the inspections required by 49 CFR 230.451(a) will be set at sixty (60) days. At the end of six months the Associate Administrator will again review the data and evaluate the proper course of action to be taken.

The Associate Administrator for Safety is authorized to terminate the test at any point in time if he determines that continuation of the test program is not consistent with railroad safety. In no event may he permit the test program to exceed thirty six (36) months.

For the reasons stated in this order, the Board hereby grants the temporary waiver of compliance in order to permit the conduct of the described test program. This waiver is subject to the following conditions:

1. Daily inspection activities which reveal any defects for a car will be recorded on FRA Form 2C which will be certified and a copy provided to the FRA on a weekly basis.

2. Defects revealed and corrected during the periodic inspection conducted under the intervals established during this test program will be recorded on FRA Form 2C which will be certified and a copy furnished within 10 (ten) days after that inspection. This condition will not alter the requirements for filing FRA Form F 6180–49.

3. Hubodometer readings will be recorded on each Form 2C executed at the time of the periodic inspection to the degree that this information is available.

4. The local FRA Regional Director shall be given immediate notification concerning all accidents involving this equipment.

5. Before commencing the test PATH shall file with the Associate Administrator for Safety detailed information concerning the manner in which this test program will be implemented including the essential elements of its maintenance practices, prior to and during this test, and the records which will be maintained to document the conduct of this test.

6. The Associate Administrator for Safety shall approve in writing the manner in which this test program authority will be implemented by PATH.

7. The initiation of the test program shall not commence less than thirty (30) days from the date of the written approval by the Associate Administrator for Safety.

In deciding to conduct the test in the manner provided in this order the Board concluded that a substantial degree of flexibility was required to effectively administer the test. That flexibility is particularly important for the duration of the various phases of the test in order to permit modifications which could be required by virtue of experiences that are related to the effect of weather conditions on this equipment. The Board also concluded that the use of certified reports and periodic inspection activity by FRA personnel will provide proper assurance as to the reliability of the data obtained during the test.

The Board has directed that the information furnished by PATH and a copy of any approval letter from the Associate Administrator, which are the subject of the conditions five and six of this order, be made a part of public record in this proceeding. PATH has also directed to make available, at the request of any party to this proceeding, a copy of the information provided to the Associate Administrator for Safety in satisfying condition five of this order.

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

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

[FR Doc.76-11404 Filed 4-20-76;8:45 am]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Notice of Grants of Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted March 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application number prefixed by the letters EE represent applications for Emergency Exemption.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Grants		
E76-39	DOT-E 2973	PPG Industries, Inc., Pittsburgh, Pa.	49 CFR 173.119(m) (12); 46 CFR 146.21-100.	To ship isopropyl chloroformate in a vented DOT specification 37M cylindrical steel overpack with an inside specification 2S or 2SL polyethylene container (modes 1 and 3).
E76-38	DOT-E 3537	American Antiformin Co., Inc., Brooklyn, N.Y.	49 CFR 173.277(a); 46 CFR 146.23-100.	To ship sodium hypochlorite 15 -petsolutions in DOT specification 37P steel drums with polyethylene liner or DOT specification 31P fiber drums with inside 2U polyethylene contaiher (modes 1, 2, and 3).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E76-60	DOT-E 4765	Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.163(a)	To ship sodium chlorate and potassium chlorate in a 74-ft³ capacity aluminum bin (modes 1 and 2).
E75-166	DOT-E 5167	Chemagro Agricultural Division, Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(a)	To ship organic phosphate compound mixtures, dry, n.o.s., in inside plastic or paper bags packed in a DOT-12B fiberboard box (modes 1 and 2).
E76-23	DOT-E 5401	Dow Chemical Co., Midland, Mich.	49 CFR 137.262(a)	To ship hydrobromic acid in a closed head or removable head 55-gal capacity DOT specification 37M nonreusable cylindrical steel overpack with a DOT specification 2SL inside polyethylene container (modes 1 and 2).
E76-50	DOT-E 5454	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.301(d)(1), 173.304(a)(2).	To ship sulfur hexafluoride in DOT specification 3A2400, 3AA2400, 3AAX2400, and 3T1800 cylinders (mode 1).
E76-51 E76-198	DOT-E 5526 DOT-E 5526	Allied Chemical Corp., Morristown, N.J., and MC/B Chemical Co., Norwood, Ohio.	49 CFR pt. 173	To ship certain hazardous materials in non-DOT specification glass carboys of not over 6½-gal capacity overpacked in expanded polystyrene shipping unit (modes 1 and 2).
E76-53	DOT-E 5861	HTL Industries, Inc., Monrovia, Calif.	49 CFR 173.304(a)	To ship liquefied, nonflammable compressed gas in welded stainless steel pressure vessels complying with DOT specification 4DS (sec. 178.47) with certain exceptions (modes 1, 2, 4, and 5).
E76-43	DOT-E 5951	Jones Chemicals, Inc., Caledonia, N.Y., Ashland Chemical Co., Columbus, Ohio.	49 CFR 173.314(c)	To ship chlorine or sulfur dioxide in tanks complying with DOT specifications 106A500 with certain exceptions (modes 1 and 2).
E76-34	DOT-E 5995	Roper Plastics, Inc., Norwalk, Calif.	49 CFR 173.154(a); 46 CFR 146.22-200.	Authorizes shipments of oxidizing material, n.o.s., in a non-DOT specification, single-trip, removable head, 5-gal polyethylene container for use without overpack (modes 1, 2, and 3).
E75-176	DOT-E 6184	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 172.5, 173.315(a)(1); 46 CFR 146.24-100.	To ship liquefied helium in a 4,056-gal water capacity insulated portable tank (modes 1 and 3).
E76-25	DOT-E 6526	Dow Chemicals Co., Midland, Mich.	49 CFR 173.353(a)(3), 173.357(b)(1); 46 CFR 146.25-200.	To ship class B poisonous liquids in DOT specification 4BA or 4BW steel cylinders with or without skids (modes 1, 2, and 3).
E75-180	DOT-E 6543	The Synthatron Corp., Edgewater, N.J.	49 CFR 173.136(a)(5), 173.247(a)(1).	To ship a certain corrosive liquid and certain flammable liquids in non-DOT specification 304 stainless steel cylinder (modes 1, 2, and 4).
E76-366[1]	DOT-E 6602	Dow Chemical Co., Midland, Mich.	49 CFR 173.245(a), 173.314(c), 173.315(a)(1).	To ship bromine chloride and mixtures thereof in DOT specification MC-331 tank motor vehicles (modes 1 and 2).
E75-151	DOT-E 6623	Chemtech Industries Inc., St. Louis, Mo.	49 CFR 173.265(b)(3)	To ship hydrofluosilicic acid in DOT specification 111A100W2 tank car tanks, elastomer lined (mode 2).
E75-52 E75-51	DOT-E 6637 DOT-E 6637	Advanced Chemical Technology, city of Industries, Calif., and Electrochimica Corp., Mountain View, Calif.	49 CFR pt. 173	Authorizes shipments of certain class B poisonous liquids and flammable liquids in a non-DOT specification reusable molded polyethylene container of 55-gal capacity for use without overpack (removable head not authorized) (modes 1, 2, and 3).
E75-169	DOT-E 6702	The Dow Chemical Co., Midland, Mich.	49 CFR 173.25, 173.242(a), 173.386(c).	To ship certain corrosive liquids with nonhazardous materials described as chemical kits. (modes 1, 2, and 4)
E75-98	DOT-E 6746	The Firestone Tire & Rubber Co., Akron, Ohio.	46 CFR 146.24-100; 49 CFR 173.315(a)(1).	To ship anhydrous ammonia in portable tanks built, marked and maintained in compliance with DOT specification MC-331 (modes 1 and 3).
E75-16	DOT-E 6756	BSAF Wyandotte Corp., Parsippany, N.J.	49 CFR 173.119 (a)(3), (b)(2), 173.245(a)(14), 173.365(a)(2), 173.396(a)(9); 46 CFR 146.21-100, 146.23-100, 146.25-200.	To ship certain flammable liquids, n.o.s., corrosive liquids, n.o.s., poisonous solids, n.o.s., in non-DOT specification 55-gal steel drums (closed head) that must be equal to or greater in strength and efficiency than DOT 17E drums (modes 1, 2, and 3).
E75-63	DOT-E 6787	Advanced Chemical Technology, Los Angeles, Calif.	49 CFR 173.119(a)(b), 173.346(a), 173.357(b), 173.358(a) and (b); 46 CFR 146.21-100, 146.25-200.	Authorizes shipments of class B poisonous liquids and flammable liquids in a DOT specification 34 polyethylene container (modes 1, 2, and 3).
E76-67	DOT-E 6800	Plasti-Drum Corp., Lockport, Ill.	49 CFR pt. 173 and 46 CFR 164.23-100.	Authorizes shipments of certain corrosive liquids, certain flammable liquids and a corrosive solid in non-DOT specification reusable molded polyethylene containers of 50- and 55-gal capacities, for use without overpack (modes 1, 2, and 3).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E75-206	DOT-E 6838	Douglas Aircraft Co., Long Beach, Calif.	49 CFR 173.108(a)	To ship hand signal devices in a raft overpacked in wooden or fiberboard boxes exceeding gross weight limitations (modes 1, 4, and 5).
E76-27	DOT-E 6883	Hedwin Corp., Baltimore, Md.	49 CFR pt. 173 and 46 CFR 146.23-100.	Authorizes shipments of corrosive liquids, n.o.s., in a non-DOT specification molded polyethylene container of 55-gal marked (rated) capacity, for use without overpack (removable head not authorized) (modes 1, 2, and 3).
E76-55	DOT-E 6859	Pyronetics Devices Inc., Sante Fe Springs, Calif.	49 CFR 173.302(a)(1), 173.34(d).	To ship nitrogen in a non-DOT specification nonrefillable titanium alloy spherical pressure vessel having a 9.4-in³ capacity (mode 1).
E76-36	DOT-E 6861	Teledyne McCormick Selph, Hollister, Calif.	49 CFR 173.65(a)	To ship high explosives in a 20-gal capacity DOT specification 21P fiber drum with DOT-2SL or 2U polyethylene liner (mode 1).
E76-62	DOT-E 6959	SWS Silicones Corp., Westport, Conn.	49 CFR 173.119(b)(2)	To ship flammable liquid, n.o.s. in a non-DOT specification 55-gal steel drums (closed head) of 18-gauge construction and having a high density polyethylene liner (modes 1 and 2).
E75-171	DOT-E 6969	The State of Alaska, Juneau, Alaska. Alaska.	49 CFR 171.6(b)(1), 14 CFR 103.7(a), and 103.31(a).	To ship oxygen in DOT specification 3AA cylinder which is integral to an incubator (mode 5).
E76-54	DOT-E 6970	Pyronetics Devices, Inc., Santa Fe Springs, Calif.	49 CFR 173.302(a), 178.65.	To ship helium in a non-DOT specification, welded, nonrefillable, toroidal shaped, steel pressure vessel made in compliance with DOT specification 39 with certain exceptions (mode 1).
E76-35	DOT-E 6987	Coulter Diagnostics., Inc., Hialeah, Fla.	49 CFR 173.244(a); 14 CFR 103.14(b).	To extend the partial exemption provision of 173.244 for shipments of corrosive liquids, n.o.s., in inside polyethylene bottles of 1 qt (liter) capacity overpacked in a fiberboard box (modes 1, 4, and 5).
E75-165	DOT-E 6999	The Department of the Navy, Washington, D.C.	46 CFR 146.29-73(c)	To allow the loading of military explosives aboard vessels with hatches left open under certain conditions mode 3).
E75-4	DOT-E 7087	The Unitek Corp., Monrovia, Calif.	49 CFR 173.286(b)	To (ship certain packages of hazardous materials, described as chemical kits (modes 1, 2, 3, 4, and 5).
E75-117 E75-188	DOT-E 7094 DOT-E 7094	Diamond Shamrock Chemical Co., Cleveland, Ohio. and Siegel Chemical Export Co., Brooklyn, N.Y.	49 CFR 146.23-100, 146.27-100.	To ship certain corrosive materials in accordance with 146.23-100 or 146.27-100 (mode 3).
E75-39	DOT-E 7096	Fike Metal Products Corp., Blue Spring, Mo.	49 CFR 173.304(a)(1), 178.55.	To ship bromotrifluoromethane in a non-DOT specification cylinder fabricated in accordance with DOT specification 4B240ET with certain exceptions (modes 1, 2, and 3).
E75-40 E76-16	DOT-E 7097 DOT-E 7097	Fuller System, Inc., Woburn, Mass., and Plant Products Corp., Blue Point, Long Island, N.Y.	49 CFR 173.377(f)	To ship small quantities of pharathion mixture, dry and tetraethyl dithio pyroposphate mixture, dry in inside metal containers not exceeding 32-oz capacity each packed in strong outside containers (mode 1).
E75-184	DOT-E 7204	Military Ocean Terminal, Sunny Point, N.C.	46 CFR 146.29-41(g)(2), 146.29-100.	To allow an increase in the maximum weight per draft of vessels transporting certain military explosives (mode 3).
E75-8	DOT-E 7207	Matheson Gas Products, East Rutherford, N.J.	49 CFR 172.5, 173.315(a)(1).	To ship liquid ethylene, in a 4,000-gal nominal water capacity cargo tank having a stainless steel inner tank, insulated wit perlite and evacuated, and a protective outer steel jacket (mode 1).
E75-192	DOT-E 7210	American Home Products Corp., New York, N.Y.	46 CFR pt. 146	To ship certain hazardous materials (consumer commodities) exempt from certain marking, stowage and compatability requirements (mode 3).
E75-110	DOT-E 7211	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.251(b)(1); 46 CFR 146.23-100.	To ship boron tribromide packed in prescribed inside containers in DOT specification 37A 8-gal and DOT 37A 30-gal steel drums (modes 1, 2, 3, and 4).
E75-156	DOT-E 7212	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	49 CFR 173.118(a)(3), 178.131-9.	To ship phosphoric anhydride in foreign-made, removable-head, single-trip metal drum complying in all respects with DOT specification 37A except permanent markings (mode 1).
E75-155	DOT-E 7214	Mobay Chemical Corp., Pittsburgh, Pa.	49 CFR 173.245(a)(4), 173.346(a)(2); 46 CFR 146.23-100, 146.25-200.	To ship corrosive soids, n.o.s., and poisonous liquids, n.ols., in non-DOT specification 55-gal steel drum of equal or greater strength and efficiency than a DOT specification 17H drum (modes 1, 2, and 3).
E75-113	DOT-E 7218	Boeing Commercial Airplane Co., Seattle, Wash.	49 CFR 173.302(a)(1), 173.304(a)(1).	To ship compressed air, carbon dioxide and nitrogen in a non-DOT specification filament-wound reinforced plastic (FRP) aluminum lined cylindermade of definitely prescribed materials (modes 1, 2, 3, 4, and 5).
E75-154	DOT-E 7220	Greif Bros. Corp., Union, N.J.	49 CFR pt. 173 and 46 CFR 146.23-100.	Authorizes shipments of corrosive liquids in a non-DOT specification reusable, blow-molded, polyethylene container of 55-gal capacity for use without overpack (modes 1, 2, and 3).
E76-6	DOT-E 7221	Sis-Q Flying Service, Inc., Santa Rosa, Calif.	14 CFR 103.9 and 49 CFR 173.86.	To transport high explosive packed in accordance with 49 CFR 173.65 and the special instructons of the Energy Research and Development Administration (mode 4).

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
E76-29	DOT-E 7223	United Airlines, San Francisco, Calif.	14 CFR 103.19(c).....	Authorizes the carriage of electric storage batteries, each weighing greater than 50 lb net weight, in an inaccessible cargo pit or bin (modes 4 and 5).
E75-153	DOT-E 7224	Tennessee Eastman Co. Kingsport, Tenn.	49 CFR 173.28(b), 173.233, 178.131-7(b), 178.131-9.	To reship a limited number of spent nickel catalyst drums that equate to DOT 37A specification drums (modes 1 and 2).
E76-3	DOT-E 7226	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.245(a)(17).	To ship corrosive liquids, n.o.s., in 6-gal, removable head, DOT specification 37A steel drums containing not over 5 gal of liquid (mode 1).
E75-189	DOT-E 7227	Air Products & Chemicals, Allentown, Pa.	49 CFR 173.315; 46 CFR 146.24-100.	To ship liquid notrogen in non-DOT specification portable tanks (mode 3).
E75-195	DOT-E 7228	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	46 CFR 164.20-35(c)...	To load packages of blasting caps aboard cargo vessel by use of a loading chute (mode 3).
		Emergency exemptions		
EE76-135	DOT-E 6116	AAI Corp., Baltimore, Md.	49 CFR 173.385(b); 46 CFR 146.25-300.	To ship tear gas grenades in accordance with 46 CFR 146.25-100 and 49 CFR 173.385(a)(1), (modes 1, 2, 3, and 4).
EE76-136	DOT-E 6923	Dow Chemical Co., Midland, Mich.	49 CFR 172.5, 173.315(a)(1).	To ship liquefied ethylene in accordance with the terms of DOT special permit No. 6923 as it was in effect on Sept. 29, 1957 (mode 1).
EE76-137	DOT-E 6078	North Texas LPG Corp., Huston Tex.	49 CFR 173.315 (a)(1), (e)(1).	To ship compressed gas, n.o.s., in DOT specification MC-331 tank motor vehicle (mode 1).
EE76-138	DOT-E 7189	Chngiak Aviation, Chngiak, Alaska.	14 CFR 103.9	To transport propane in a DOT specification 4BW240 cylinder not exceeding 750 lbs net weight (mode 4).
EE76-139	DOT-E 7217	Aceto Chemical, Flushing, N.Y.	49 CFR 178.116-10(a)	To ship a class B poisonous liquid in foreign-made drums manufactured to DOT specification 17E except for markings (mode 1).
EE76-140	DOT-E 7219	Pine Belt Helicopters, Stateline, Nev.	14 CFR 103.9	To transport dynamite and blasting caps packaged in accordance with 49 CFR pt. 173 (mode 4).
EE76-141	DOT-E 7222	Richard Eaton, Bethesda, Md.	14 CFR pt. 103	To carry as carry-on baggage, 2 electric storage batteries moving in connection with a self-propelled wheelchair (mode 5).
EE76-142	DOT-E 7225	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62(a), 177.834(L)(3), 177.835(k).	To ship class A explosives in specially designed kettledrum-type aluminum containers (mode 1).
E76-143	DOT-E 7230	Andy's Flying Service, Inc., Kenai, Alaska.	14 CFR 103.9	To transport ethyl methyl ketone in 15 17E drums of 55-gal capacity (mode 4).
EE76-144	DOT-E 7233	TMT Trailer Ferry, Inc., Miami, Fla.	46 CFR 146.27-30(d)(2)(i), 146.27-30(d)(2)(ii); 49 CFR 173.120.	To transport motor vehicles containing fuel (mode 3).

[1] Exemption E6602 inadvertently issued prior to public docketing. Notice of receipt of application will be published in the FEDERAL REGISTER within 2 weeks.

DENIALS

Request by Waste Research & Reclamation Company for the reuse of a drum for the shipment of contaminated flammable solvents destined for resource recovery or a waste disposal facility without complying with the provisions of 49 CFR 173.28(h).

Request by Marine Agency of Tampa, Inc., on behalf of Pioneer Paper Stock, to transport 200 tons of wet waste paper in bales.

Request by Seaboard World Airlines to transport 80 boxes of Class B ammunition.

W. K. BYRD,
Deputy Director, Office of Hazardous Materials Operations.

[FR Doc.76-11390 Filed 4-20-76;8:45 am]

Pipeline Safety Operations Office

[Docket No. 76-4W]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition for Waiver of Gas Pipeline Safety Standard, Invitation for Written Comment and Hearing

The Michigan Wisconsin Pipe Line Company, of Detroit, Michigan, has petitioned for a waiver from compliance with the requirements of 49 CFR 192.245 regarding:

(1) 15.9 miles of 42" pipeline loop on its Hamilton to Bridgman mainline in Michigan; and

(2) 7.2 miles of 42" pipeline loop on its Bridgman to St. John mainline in Indiana.

The pipelines are in Class 1, Class 2, and Class 3 locations as defined by 49 CFR 192.5, but are not in operation. The pipelines are necessary for the petitioner to meet its service obligations under FPC Docket No. CP75-182, which are now being met by alternate methods.

Section 192.245 requires the removal of a weld with a crack more than 2 inches long or with a crack which penetrates the root or second bead of the weld. Petitioner has identified welds on the aforementioned pipelines which may contain the proscribed cracks. Because of the size of the pipe, the fact that the welds were not so identified until after segments with the cracked welds were backfilled, the terrain, and the lateness of the construction season, Petitioner determined that it would be extremely costly to cut out and replace the welds as required by Section 192.245.

As an alternate requirement, Petitioner proposes that repair of the welds be permitted, and makes the following statement:

Petitioner determined that the most reasonable and prudent manner of handling the backfilled welds in question would be by repairing the cracks which had penetrated the root beats. Accordingly, the procedures outlined in the 1973 (13th) Edition of the API Standard 1104, Section 7.4, Authorization for Repair of Cracks, were utilized. Repair procedure welds were developed on sections from actual cut-out welds known to contain cracks penetrating the root bead. This provided test specimens which were mechanically tested in the manner provided in the 1973 Edition of API Standard 1104, Section 2.5, Testing of Welded Joints—Butt Welds, in order to insure conformance of the repair areas to all physical requirements. Similarly, all repair welders were qualified by similar test methods in accordance with the 1973 Edition of the API Standard 1104, Section 3.4, Welder Qualification by Destructive testing. All such welds were located by excavating in the suspected vicinity of the weld, radiographing or visually identifying a weld and comparing the weld to the original radiograph of the questionable weld. The suspected crack area was then corelated (sic) with the original radiograph. In each instance, a crack was located by grinding and use of dye penetrant in accordance with the established procedure. The crack was removed by grinding and drilling and the repair grove was again examined by dye penetrant to assure complete removal of the crack. The repair groove was then welded in accordance with the repair procedure previously established. The entire weld was then radiographically inspected and interpreted for acceptance in accordance with the 1973 Edition of API Standard 1104, Section 6.0, Standards of Acceptability—Nondestructive Testing. Each of the welds were repaired under the supervision of, and fully witnessed by, a qualified welding consultant or nondestructive testing technician, experienced in repair welding techniques. Fully qualified technicians employed by Petitioner supervised the taking and interpretation of all radiographs and the execution of ultrasonic testing. All non-destructive testing technicians were fully qualified by the American Society of Non-Destructive Testing.

The welds so repaired conform to the requirements of the 1973 Edition of API Standard 1104 and equal or exceed the quality and integrity of original production welds and replacements pursuant to 49 C.F.R. 192.245.

Interested persons are invited to submit written comments on the petition by May 7, 1976, to the Office of Pipeline Safety Operations, 2100 Second Street, S.W., Washington, D.C. 20590. All comments should identify the Docket Number. Upon written request received before May 1, 1976, an opportunity will be provided for a hearing. All comments will be fully considered in deciding whether or not the waiver should be granted.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 CFR 1.53)

Issued in Washington, D.C. on April 16, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-11530 Filed 4-20-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-4-80; Docket 27592, Agreement C.A.B. 25766 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of April 1976.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Composite Currency Conference held in Geneva during March 1976.

The agreement would amend conversion rates between the United States dollar and the Guyana dollar, Trinidad and Tobago dollar, and the East Caribbean dollar, for transportation wholly within the Western Hemisphere. The proposed amendments would bring the conversion rates into line with current market rates of exchange, and will be approved herein. The agreement would also revalidate through March 31, 1977, Resolution 022x which governs currency-related discounts on passenger fares from Europe via the South Atlantic and has no direct application in air transportation as defined by the Act.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, does not find the following resolutions, incorporated in Agreement C.A.B. 25766 as indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25766:			
R-1	002a	Expedited Special Revalidation Resolution	1; 2; 3
R-2	021b	Rates of Exchange (Amending)	1; 2; 3
R-3	021bb	Special Conversion Rates (TC1) (Amending)	1

Accordingly, it is ordered that: Agreement C.A.B. 25766, R-1 through R-3, be and hereby is approved. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-11540 Filed 4-20-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

COMMODITY OPTION TRANSACTIONS

Release of Letter to Congress Relative to Delay in Implementing Regulations

The Commodity Futures Trading Commission has today sent the attached letter to the Chairmen of the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture relative to its decision to take additional time to finalize its determinations with respect to commodity option transactions. By publication of this letter, the Commission is notifying the general public that it expects to publish commodity option regulations within the next several months.

The Commission has advised the Congress, in accordance with the provisions of Section 4c(b) of the Commodity Exchange Act, as amended, that it has determined that it will be unable to meet the one year time period ending April 21, 1976 within which to have comprehensive commodity option regulations in effect and, accordingly, has notified the Congress that additional time will be required to carry out the Congressional mandate contained in Section 4c(b).

The letter is self-explanatory and sets out the Commission's intentions with respect to regulations concerning commodity option transactions. The text of the letter follows:

Dear Mr. Chairman: As you are aware, Section 4c(b) of the Commodity Exchange Act, as amended, provides as follows:

No person shall offer to enter into, enter into, or confirm the execution of, any transaction subject to the provisions of subsection (a) of this section involving any commodity regulated under this Act, but not specifically set forth in section 2(a) of this Act, prior to the enactment of the Commodity Futures Trading Commission Act of 1974, which is of the character of, or is commonly known to the trade as an "option", "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "decline guaranty", contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe *within one year after the effective date of the Commodity Futures Trading Commission Act of 1974 unless the Commission determines and notifies the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture that it is unable to prescribe such terms and conditions within such period of time:* Provided, That any such order, rule, or regulation may be made only after notice and opportunity for hearing: And provided further, That the Commission may set different terms and conditions for different markets. [Emphasis supplied]

The Commission ("CFTC") came into existence on April 21, 1975, and, thus, the decisions with respect to commodity option trading are to be made by April 21, 1976, unless there has been a determination by the CFTC and notification to your Committee that the CFTC is unable to prescribe regulations concerning commodity option trading within the one year period of time.

The purpose of this letter is to notify the Committee officially of the progress of our consideration of questions concerning commodity option trading and of our inability to effect comprehensive regulations on commodity option trading by April 21, 1976. Additionally, we would like to advise you formally:

(1) that comprehensive regulations will be proposed within several months;

(2) of the status of regulations currently in effect, as well as those proposed thus far; and

(3) of the status of our deliberations and the reasons for our determination to take additional time.

(1) *Comprehensive Regulations Within Several Months.* Recognizing the significant complexities of the issues concerning commodity option transactions, the CFTC, in the best interests of the public and those to be regulated, has determined to spend some additional time (of relatively short duration) within which to deliberate on all of the issues and establish a comprehensive regulatory scheme covering the entire field.

(2) *Regulations in Effect and Those Proposed Thus Far.* The CFTC promptly moved to prevent fraud in connection with commodity option trading by publication of an antifraud rule, effective June 24, 1975 (40 FR 26504).

Next CFTC published, on October 22, 1975 (40 FR 49360) a request for comments on alternatives to the various forms of possible regulation of commodity option trading. On February 20, 1976, the CFTC published a comprehensive set of proposed commodity option regulations covering off-exchange type transactions (41 FR 7774). Absent overwhelming public protection considerations, these regulations will not be put into effect, either in their original form or modified form, until after the CFTC has completed its deliberations.

Earlier, in August 1975, the CFTC chartered four public Advisory Committees to assist in development of policy recommendations for a number of issues within the CFTC's jurisdiction. One such Committee—the Advisory Committee on Definition and Regulation of Market Instruments—chaired by John V. Rainbolt, II, Vice-Chairman of the CFTC, was assigned responsibility, among other things, to provide recommendations on commodity options. That Advisory Committee has held numerous public meetings and public hearings in connection with its efforts to report those recommendations to the CFTC. Recently, the Committee has been meeting for two days every other week. Nevertheless, the complexity of the issues involved in options trading are so significant the Advisory Committee has determined that it will be unable to meet its original deadline and now expects to report to the Commission by early May.

(3) *Status of Deliberations and Reason for Determination to Take Additional Time.* As noted above, the Advisory Committee recommendations will not be available to the CFTC until early May. Once the CFTC has had the benefit of those recomemndations and its own staff analysis, it will be in a position to determine the scope of its regulations. These determinations would then be implemented by the drafting of regulations, which, in turn, would be approved by

the CFTC (with necessary modifications). It is expected that shortly thereafter the definitive regulations could then be put in place as the CFTC's comprehensive set of regulations on commodity option trading.

While we regret the delay, we feel that it is the desire of Congress that the deliberations of the CFTC take into account all of the various and complex factors involved in option trading. The CFTC feels that it is better to be deliberative than to rush to judgment.

We trust that the foregoing explanation is of sufficient clarity and meets the requirements of Section 4c(b) outlined above.

Issued in Washington, D.C., this 16th day of April 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-11535 Filed 4-20-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 526-5; OPP-30115]

CHEVRON CHEMICAL CO.

Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is made in accordance with the provisions of Sections 3(c)(4) of FIFRA [40 CFR 162.6 (b)(6)] and does not indicate a decision by the Agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice 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 21, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. The labels furnished by each applicant as well as 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 15, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 239-EULN. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. BOLERO 8 EC. Active Ingredients: *S - [(4 - chlorophenyl) methyl] diethylcarbamothiate* 84%. Application proposes that this herbicide product be classified for general use on rice. PM23

EPA File Symbol 239-EUUO. Chevron Chemical Co., Ortho Div. BOLERO 10 G. Active Ingredients: *S-[(4-chlorophenyl) methyl] diethylcarbomothiate* 10%. Application proposes that this herbicide product be classified for general use on rice. PM23

[FR Doc.76-11560 Filed 4-20-76;8:45 am]

[FRL 526-7; OPP-30116]

RECEIPT OF APPLICATIONS TO REGISTER PESTICIDE PRODUCTS ENTAILING CHANGED USE PATTERNS

Applications to register pesticide products entailing a changed use pattern have been made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications is given in accordance with the provisions of Section 3(c)(4) of FIRA [40 CFR 162.(b)(6)] agency on the applications.

Any Federal agency or other interested persons are invited to submit written comments on any applications referred to in this notice 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 21, 1976 and should bear a notation indicating the EPA File Symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made with respect to the pending applications. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the applications to register the pesticide products listed will be announced in the FEDERAL REGISTER. The label furnished by each applicant as well as 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 15, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 12455-RA. Bell Laboratories, Inc., 734 E. Washington Ave., Madison WI 53703. Z.P. TRACKING POWDER. Active Ingredients: Zinc Phosphide 10%. Application proposes a change in the use pattern from predominantly a bait product used to control field and household rats and mice to a tracking powder to control household mice and rats. Application also proposes that the product be classified for general use. PM11

EPA File Symbol 778-GI. Miller-Morton Co., PO Box 6235, Richmond VA 23230. SERGEANT'S LONG-LASTING HOUSEHOLD INSECTICIDE. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 25.0%. Naled has been primarily used as an agricultural pesticide. The application proposes that the product be Classified for general use as a household (continuous release) insecticide strip. PM16

EPA File Symbol 538-RUG. O.M. Scott, Proturf Div., Marysville OH 43040. PROTURF BRAND 30-4-4 FERTILIZER PLUS WEED-GRASS PREVENTER FOR BERMUDA GRASS. Active Ingredients: Oxadiazon [2-tert-butyl-4-(2,4 - dichloro - 5 - isopropoxyphenyl) - Δ ²-1,3,4-oxadiazolin - 5 - one 2.75%. Application proposes a change in the use pattern from reformulation use only to terrestial non-crop use. Application also proposes that the product be classified for general use. PM24

[FRL 527-2; OPP-33000/397]

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 applica-

tions 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 on or before June 21, 1976. 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 21, 1976.

Dated April 16, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATION RECEIVED (OPP–3300/397)

EPA File Symbol 8590–UUO. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. KELTHANE 1.5EC. Active Ingredients: 1,1-bis(p-chlorophenyl)2,2,2-trichloroethanol 18.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 833–AO. Alex C. Fergusson Co., Spring Mill Dr, Frazer PA 19355. QUATRA-SAN S #4322. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10634–RA. Alpha Chemical Services, Inc., 46 Morton St., Stoughton MA 02073. ALPHA CHEM FOOD PLANT FOGGING INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 94.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 12014–O. A & V, Inc., PO Box 211, Butler WI 53007. AUTROL-Q. Active Ingredients: Poly(oxyethylene (dimethyliminio)ethylene(dimethyliminio)ethylene dichloride) 60%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 10332–I. Barclay Chemical Co., Inc., 150 Coolidge Ave., Watertown MA 02172. ALGAECIDE BD. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement submitted. PM33

EPA File Symbol 6899–RG. B & B Chemical Co., Inc., PO Box 92, Mt. Royal NJ 08061. LEMON-A DISINFECTANT. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 9983–E. Beatrice Foods Co., PO Box 98, Monroe St., New Bremen, O 45869. BEA-QUAD. 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. 06853–12. Bes-Tex Insecticides Co., Inc., PO Box 664, San Angelo TX 76901. BES-TEX 5% SEVIN MULLTI-PURPOSE DUST. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 3125–236. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. NEMACUR 15% GRANULAR NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)-phenyl (1-methylethyl) phosphoramidate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 3125–237. Chemagro Agricultural Division. NEMACUR 10% GRANULAR NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA Reg. No. 3125–283. Chemagro Agricultural Division. NEMACUR 3 EMULSIFIABLE NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate 35%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA Reg. No. 7701–25. Chemical Specialties, Inc., 149 W. Trigg Ave., Memphis TN 38106. ECHO. Active Ingredients: Pyrethrins 0.075%; Technical Piperonyl Butoxide 0.15%; N–Octyl Bicycloheptene Dicarboximide 0.25%; Petroleum Distillate 99.525%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1660–TU. Chemical Specialties Co., Inc., 51–55 Narsau Ave., Brooklyn NY 11222. DRO GENERAL PURPOSE AQUEOUS 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 11292–L. Chemifax Corp., 14800 Firestone Blvd., La Mirada CA 90638. QUAT SANITIZER RINSE. 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 File Symbol 239–EUUT. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE 85 CONCENTRATE. Active Ingredients: Acephate (O, S-Dimethyl acetylphosphoramidothioate) 85%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 239–2211. Chevron Chemical Co., Ortho Division. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 115–GR. Continental Chemical Co., 2750 Grand Ave., Cleveland OH 44104. ALGEX NO. 815–M. 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 115–GE. Continental Chemical Company. ALGEX NO. 816–M. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 115–GG. Continental Chemical Co. ALGEX NO. 817–M. 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 Reg. No. 464–402. Dow Chem Co., PO Box 1706, Midland MI 48640. DOWPON M GRASS KILLER. Active Ingredients: Sodium salt of dalapon 72.5%; Magnesium salt of dalapon 12.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 34077–T. Excelsior Varnish & Chemical, Inc., 2790 Grand Ave., Cleveland OH 44104. ALGAECIDE A–160–M. 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 34077–O. Excelsior Varnish & Chemical, Inc. ALGAECIDE A–161–M. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 34077–I. Excelsior Varnish & Chemical, Inc. ALGAECIDE A–162–M. 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 Reg. No. 2517–18. Geisler Pet Products, Inc., 3902 Leavenworth St., Omaha NE 68105. GEISLER CAT FLEA & TICK POWDER. Active Ingredients: Carbaryl(1-naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 36479–R. Knud's Pool Service, Inc., 301 Dalton Ave., Pittsfield MA 01247. KPSCLOR. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2 (c) of interim policy. PM34

EPA File Symbol 7558–I. Leon Supply Co., PO Box 562, Montgomery AL 36101. LEMON ODOR DISINFECTANT DETERGENT DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7558–O. Leon Supply Company. MINT ODOR DISINFECTANT DETERGENT DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 33370–U. Morton Herman Co., 207 W. University Dr., Arlington Heights IL 60004. SUPER HERMOX 9. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM 31

EPA File Symbol 33370–G. Morton Herman Company. SUPER HERMOX 11. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 4029–GU. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. SOO PER 2.5. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 4029–GG. Oil Specialties & Refining Co., Inc. SOO PER DISINFECTANT. 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 File Symbol 3635–EER. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1210. Active Ingredients: Phosphoric acid 15.00%; Dodecylbenzenesulfonic acid 14.55%; Isopropanol 16.00%; Hydrogen chloride 4.71%; Sodium xylene sulfonate 20%; Sulfuric acid .07%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 3635–EEN. Oxford Chemicals. OXFORD 1209. Active Ingredients: Isopropanol 18%; o-phenylphenol 3%; p-tertiarybutylphenol 7%; o-benzylparachlorophenol 1.5%; Dodecylbenzene sulfonic acid 14%; Phosphoric acid 6%. Method of Support: Application proceds under 2(b) of interim policy. PM 32

EPA File Symbol 13680–EG. Ozark Chemical Co., 1500 Murphy Dr., North Little Rock AK 72118. QUEST #256. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 6487–RR. Reliance Chem. Co., 3301 Lakeside Ave., Cleveland OH 44114. RELIASAN III. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 359–662. Rhodia, Inc., Agricultural Div., PO Box 125, Monmouth Junction NJ 08852. ASULOX FOR POST-EMERGENT WEED CONTROL IN SUGARCANE AND FLAX. Active Ingredients: Sodium salt of asulam (methyl sulfanilylcarbamate) 37.2%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM23

EPA File Symbol 4822–RLL. S. C. Johnson & Son, Inc. 1525 Howe St., Racine WI 53403. PRODUCT 29 GRADEN INSECT KILLER. Active Ingredients: Pyrethrins 0.2%; Petroleum distillate 0.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 30942–T. Scientific Bioler Water Conditioning Co., 1 Maple St., Linden NJ 07036. ALGACIDE 709. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 30942–I. Scientific Bioler Water Conditioning Co. ALGACIDE 710. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 1165613. Shell Chemical Co., 1025 Connecticut Ave., NW, Washington, DC 20036. METHYL PARATHION 5 EMULSIVE AN EMULSIFIABLE LIQUID. Active Ingredients: Methyl Parathion (O,O-dimethyl O-p-nitrophenyl phosphorothioate) 55.5%; Aromatic Petroleum Solvent 36.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 37944–R. Stave Chemical Co., Inc. 20 Marilyn St., Basking Ridge NJ 07920. STAVE 9514. Active Ingredients: N-alkyl (C14 95%, C12 3%, C16 2%) dimethyl benzyl ammonium chloride dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 148–RELI. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. DIMILIN W–25. Active Ingredients: N-[[(4-Chlorophenyl)amino] carbonyl]-2,6-difluorobenzamide 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 10485–EG. United Chemical, PO Box 1499, Hobbs NM 88240, ALPHA 522. Active Ingriendents: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (as in fatty acids derived from coconut oil) Imidazo-linium Chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10347–E. Valley Oil & Chemical Co., 3218 N. 11th St., Philadelphia PA 19140. VAL-STAR CLEANER, DEODORIZER, DISINFECTANT, FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1270–ENG. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP-O-MINT IV. Active Ingredients: Isopropanol 23.1%; Coconut potassium soaps 6.5%; o-Benzyl-p-chlorophenol 5.0%; o-Phenylphenol 3.8%; Methyl Salicylate 3.0%; Tetrasodium salt of ethylenediaminetetraacetic acid 1.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

[FR Doc.76–11562 Filed 4–20–76;8:45 am]

[FRL 527–1; OPP–33000/396]

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 ef-

fectuated 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, SW., 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, SW., 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 on or before June 21, 1976. 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 21, 1976.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/396)

EPA File Symbol 38330–E. Arco/Chemical Co., PO Box 370, 900 West 21st, Sand Springs OK 74063. ARCOCIDE B–611 INDUSTRIAL BACTERICIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) dimethyl benzyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7052–RI. Big D Chemical Co., PO Box 82822, Oklahoma City OK 73108. BIG P PINE ODOR DISINFECTANT, DETERGENT, SANITIZER. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 10807–19. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. MISTY ROOM FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl-2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.500%; Related compounds 0.068%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 13.650%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 36999–EI. B & M International, Inc., PO Box 1116, Thibodaux LA 70301. SUPER-SHOT. Active Ingredients: Methylene Chloride 12.000%; (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 13.750%; Tetrachloroethylene 32.000%; Pine Oil 2.800%; Essential oil 1.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 36999–ET. B & M International, Inc. AQUA-BLAST. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate 0.200%; Related compounds 0.028%; d-trans allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 38688–R. C. H. Dexter Div., Dexter Corp., One Elm St., Windsor Locks CT 06096. DEXSAN GRADE 1457. Active Ingredients: Silver Chloride 0.1%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 5736–UI. DuBois Chemicals, Div. of Chemed Corp., DuBois Tower, Cincinnati OH 45202. X-PEL ALGAECIDE. Active Ingredients: Dehydroabietylamine Acetate 6.25%; Alkyl (70% C18, 27% C16, 3% C14) Trimethyl Ammonium Chloride 3.125%; Dialkyl (47% C12, 18% C14, 10% C18, 9% C10, 8% C16, 8% C8) Dimethyl Ammonium Chloride 3.125%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 34761–E. Ecolo-G Enterprises, Ltd., Industrial Park Bldg. #5, West Haverstraw, NY 10993. INSECTICIDE AEROSOL RESMETHRIN–2%. Active Ingredients: (5-Benzyl, 3-furyl) methyl, 3-(2-methylpropenyl) cyclopropane carboxylate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM

EPA File Symbol 34761–A. Ecology, Ltd. ECOLOGY TOTAL RELEASE FOGGER. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 34761–T. Ecology Ltd. ECOLOGY GENERAL PURPOSE SYNTEX SPRAY. Active Ingredients: Tetramethrin 0.250%; Related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropenecarboxylate 0.250%; related compounds 0.034%; Petroleum Distillate 8.800%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 34761–I. Ecology Ltd. ECOLOGY BRAND INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide. Technical 2.00%; Petroleum Distillate 7.40%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to apy statement submitted. PM17

EPA File Symbol 14955G. Jefco Laboratories, Inc. 618 W. Jackson Blvd., Chicago, IL 60606. JEFCIDE C–520. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyl-dithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 12047–4. Lone Star Brush & Chemical Co., 4406 Irving Blvd., PO Box 10653, Dallas TX 75207. LEMSURG II. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%. Sodium Carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11082–E. Long Chemical, Inc., 2615 Southwest Dr., Los Angeles CA 90043. LONG SANITIZER CLEANER. 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. PM33

EPA File Symbol 524–GRI. Monsanto Co., Agricultural Products, 800 N. Lindbergh Ave., St. Louis MO 63166. MON 0139. Active Ingredients: Isopropylamine salt of Glyphosate 53.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 2831–AG. Napasco International, Inc., PO Drawer 1219, Thibodaux LA 70301. SHOT-GUN. Active Ingredients: Methylene Chloride 12.000%; (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 13.750%; Tetrachloroethylene 32.000%; Pine Oil 2.800%; Essential oil 1.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 4029–GE. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. SANIFLEX DISINFECTANT CLEANER. 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. PM33

EPA File Symbol 33772–R. Pioneer Chemical Works, Inc., Box 237, Route #73, Maple Shade NJ 08052. PIOCIDE C–30. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 655–LGO. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 1001. PRENTOX CO–RAX PELLETED BAIT. Active Ingredients: Warfarin (3-(a-acetonylbenzyl) - 4 - hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA Reg. No. 655–471. Prentiss Drug & Chemical Co., Inc. PYRONYL OIL CONCENTRATE #525. Active Ingredients: Pyrethrins 5.00%; Piperonyl Butoxide, Technical 25.00%; Petroleum Distillates 70.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 655–450. Prentiss Drug & Chemical Co., Inc. PYRONYL OIL CONCENTRATE #3610. Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide, Technical 6.00%; N-octyl bicycloheptene dicarboximide 10.00%; Petrolemum Distillates 81.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 359–170. Rhoda, 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: Additional use. PM23

[FR Doc.76–11563 Filed 4–20–76;8:45 am]

[526–8; OPP–33000/395]

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 on or before June 21, 1976. 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 21, 1976.

Dated: April 15, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/395)

EPA Reg. No. 900–105. Chemical Service Div., American Chemmate Corp., Howard & West Sts., Baltimore MD 21230. FORMULA 93 HOSPITAL DISINFECTANT CLEANER. Active Ingredients: Potassium Laurate and Myristate Soaps 10.00%; Potassium o-benzyl-p-chlorophenate 1.83%; Isopropanol 5.00%; Potassium ortho-phenylphenate 1.83%; Tetrasodium ethylenediamin tetraacetate 1.14%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 9417–U. H. W. Andersen Products, Inc., 45 E. Main St., Oyster Bay NY 11771. 89–11 STERILIZING GAS. Active Ingredients: ethylene oxide 11%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 8959–10. Applied Biochemists, Inc., PO Box 25, 5300 W. County Line Rd., Mequon WI 53092. CUTRINE-PLUS. Active Ingredients: Copper as elemental 9.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 3125–71. Chemagro Div., Baychem Corp., Box 4913, Kansas City MO 64120. DEF DEFOLIANT SPRAY CONCENTRATE. Active Ingredients: *S,S,S*-Tributylphosphorotrithioate 70.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 3125–282. Chemagro Div., Baychem Corp., Box 4913, Kansas City Mo 64120. DEF 6 EMULSIFIABLE DEFOLIANT. Active Ingredients: *S,S,S*-Tributylphosphorotrithioate 70.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 12455–RA. Bell Laboratories, Inc., 734 E. Washington Ave., Madison WI 53703. Z.P. TRACKING POWDER. Active Ingredients: Zinc Phosphide 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 6248–RL. Black Magic Co., PO Box 16453, Jacksonville FL 32216. BLACK MAGIC OUTDOOR FLEA DUST. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 6248–RU. Black Magic Co., PO Box 16453, Jacksonville FL 32216. BLACK MAGIC GARDEN DUST. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 35913–E. Chemical Sales Co., 1360 7th St., Denver CO 80216. CSC SMALL SLOW TABS. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35913–R. Chemical Sales Company. CSC GRANULAR. Active Ingredients: Sodium Dichloro-S-Triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 239-EUUU. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. CHEVRON ORTHO DI-BROM 8. Active Ingredients: Naled 58%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 4829-40. Coastal Industries, Inc., 190 Jony Dr., Carlstadt NJ 07072. ISOCLOR SUPER CHLORINE BIG TABS. Active Ingredients: Potassium Dichloro-s-Triazinetrione 60%; Sodium Carbonate 31%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 38328-E. Consolidated Chemical Co., 5321 Dahlia St., Commerce City CO 80022. DIURON TECHNICAL. Active Ingredients: Diuron: 3-(3,4-dichlorophenyl)-1,1-dimethylurea 97.5%. Method of Support: Application proceeds under 2 (b) of interim policy. PM25

EPA Reg. No. 464-402. Dow Chemical Co., PO Box 1706, Midland MI 48640. DOWPON M GRASS KILLER. Active Ingredients: Sodium salt of dalapon 72.5%; Magnesium salt of dalapon 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 16377-1. Gloss-All Products Co., PO Box 174, 2317 Parmenter St., Middleton WI 53562. STER-ALL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C12) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 16377-E. Gloss-All Products Co., PO Box 174, 3217 Parmenter St., Middleton WI 53562. WIPE-OUT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1658-EG. Hillyard Chemical Co., PO Box 909, 302 N 4th St., St. Joseph MO 64502. HILLYARD RE-JUV-NAL II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12479-L. H-O-H Chemicals, Inc., 645 S. Vermont St., Palatine IL 60067. A-120B. Active Ingredients: Sodium 2,4,5-Trichlorophenate 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 12479-I. H-O-H Chemicals, Inc. A-120G. Active Ingredients: Sodium Pentachlorophenate 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 12479-RN. H-O-H Chemicals, Inc. A-120. Active Ingredients: Sodium Pentachlorophenate 25%; Sodium 2,4,5-Trichlorophenate 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 34761-U. Ecology, Ltd., c/o Hue Chemical Corp., Industrial Park, Bldg. #5, West Haverstraw NY 10993. ECOLO-G DRIONE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 33981-E. K. A. Steel Chemicals, Inc., 1001 Main St., Lemont IL 60439. CHLORINE-LIQUEFIED. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 7001-9. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. CYTHION 5 EC. Active Ingredients: Malathion 56.4%; Xylene 35.5%. Method of Support: Application pdoceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM16

EPA File Symbol 4029-EG. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. DAIRY & LIVESTOCK SPRAY. Active Ingredients: Pyrethrins 0.15%; Piperonyl Butoxide, Technical 1.50%; Petroleum Distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 4029-EL. Oil Specialties and Refining Co. SWIMMING POOL ALGAECIDE CLEAR SAIL. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 4389-TU. Pacific Chemical, Div. of Pace National Corp., 500 7th Ave., Kirkland WA 98033. CHEMPROCIDE DISINFECTANT - SANITIZER - MOLDICIDE-DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 602-EAR. Ralston Purina Co., Checkerboard Square, St. Louis MO 63188. PURINA SEVIN GARDEN DUST 5%. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 70-192. Rigo Co., 1200 Ft. Wayne Bank Bldg., Ft. Wayne IN 46801. KILL-KO 3% RABON DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 38623-R. Robinson Chemical Co., Inc., PO Box 264, 306 Trenton St., Cambridge MD 21613. COMPRESSED CHLORINE GAS. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 707-RET. Rohn & Haas Co., Independence Mall, West, Philadelphia PA 19105. KATHON 893 SP-45 SEED PROTECTANT FUNGICIDE. Active Ingredients: 2-n-Octyl-4-isothiazolin-3-one 45%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM21

EPA File Symbol 538-RUE. O. M. Scott & Sons, Marysville OH 43040. STOP SLUGS & SNAILS. Active Ingredients: Methiocarb 4-(methylthio)-3,5-xylyl methylcarbamate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement submitted. PM12

EPA File Symbol 538-RUG. O. M. Scott & Sons, Marysville OH 43040. PROTURF BRAND 30-4-4 FERTILIZER PLUS WEED-GRASS PREVENTER FOR BERMUDA-GRASS. Active Ingredients: Oxadiazon [2-tert-butyl-4-(2,4-dichloro-5-isopropxyphenyl)-Δ^2-1,3-4-oxadiazolin-5-one] 2.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 8454-L. J. B. Sebrell Co., 301 S. San Pedro, Los Angeles CA 90013. SEBRELL POOL-CLOR CONCENTRATED TABLETS. Active Ingredients: Trichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 18037-A. Seeco, Inc., North Highway 71, Box 1014, Willmar MN 56201. DAIRY HAY AND HAYLAGE BASE MIX MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.31%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 18037-G. Seeco, Inc. DAIRY MINERAL 14-14 MEDICATED. Active Ingredients: 2 - chloro - 1 - (2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 1.79%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 18037-L. Seeco, Inc. BROOD COW MINERAL 16-14 MEDICATED. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 18037-T. Seeco, Inc. SEECO RABON 7.76 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 18037-U. Seeco, Inc. DAIRY SILAGE BASE MIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.233%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 7138-A. Southern States Cooperative, Inc., General Offices, PO Box 1656, Richmond VA. SOUTHERN STATES FLY BAN 7.76 RABON ORAL LARVICIDE TOP DRESS. Active Ingredients: 2-chloro-1-(2, 4,5-trichlorophenyl) vinyl dimethylphosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 15575-11. Southland Agricultural Chemicals, PO Box 6207, Montgomery AL 36106. METHYL PARATHION 4 EMULSIVE (INSECTICIDE). Active Ingredients: O, O-dimethyl O-p-nitrophenyl thiophosphate 45.00%; Aromatic Petroleum Derivative Solvent 49.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 34913-O. Spray Services, Inc., 4711 Piedmont Rd., Huntington WV 25704. SPRAKIL S-3 GRANULAR WEED KILLER. Active Ingredients: tebuthiuron 1(5-tert-butyl-1,3,4-thiadiazol-2 - yl)-1,3-dimethylureau 3%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 34913-RN. Spray Services, Inc. SPRAKIL S-5 GRANULAR WEED KILLER. Active Ingredients: tebuthiuron 1(5-tert-butyl-1,3,4-thiadiazol-2 - yl)-1,3-dimethylurea 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 34913-RR. Spray Services, Inc. SPRAKIL S-1. GRANULAR WEED KILLER. Active Ingredients: tebuthiuron 1-(5-tert-butyl-1,3,4-thiadiazol-2-yl) - 1,3-dimethylurea 1%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 4887–RIR. Stephenson Chemical Co., Inc., College Park GA 30337. STEPHENSON CHEMICALS SEVIN 50–W INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 50.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 9115–0. Sun-Ray Chemical Co., Industrial Maintenance Products Division, 119 W. Jackson, Phoenix AZ 85003. X–TRA MULTIPURPOSE CLEANER. Active Ingredients: [Methyl dodecylbenzyl trimethyl ammonium chloride 80%, methyldodecylxylylene bis (trimethyl ammonium chloride) 20%] 1.50%; Sodium metasilicate 3.00%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 29443–G. Treat-Rite Water Labs., Inc., PO Box 226, Nowata OK 74048. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 28301–1. TSI Co, PO Box 151, 25 Ironia Rd., Flanders NJ 07836. SILVISAR 550. Active Ingredients: Monosodium Acid Methanearsonate 48.47%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA File Symbol 9078–A. Tennessee Farmers Cooperative, Tenco Feed Mill, Rockford TN 37853. CO-OP CATTLE MINERAL. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.93%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9078–T. Tennessee Farmers Cooperative. CO-OP 32% DAIRY CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 9078–I. Tennessee Farmers Cooperative. CO-OP 48% BEEF CONCENTRATE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 0.18%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 10466–EA. Thomson Research Associates, Lt., 53 Shaw St., Toronto, Ontario Canada M6J 2W3. STERI-CHEM DM–40. Active Ingredients: Tripropyltin methacrylate 40.1%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 9386–4. Vinings Chemical Co., 2555 Cumberland Pkwy, Suite 200, Marietta GA 30060. AMA 10. Active Ingredients: Methylene bis (thiocyanate) 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 7401–EII. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD 50% SEVIN W. P. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 7401–EIO. Voluntary Purchasing Group, Inc. HI-YIELD PET DUST. Active Ingredients: Carbaryl (1-naphthyl-N-methylcarbamate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 7547–EG. Western Chemical Co., 1345 Taney, North Kansas City MO 64116. FORMULA 618. Active Ingredients: Sodium dichloro-s-triazine trione dihydrate 5.63%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 5427–LO. Wright Chemical Corp., 1319 Wabansia, Chicago IL 60622. WRICO TLR SLIMICIDE. Active Ingredients: Sodium Dimethyldithiocarbamate 27.6%; Sodium 2-Mercaptobenzothiazole 2.4%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 9782–EO. Woodbury Chemical Company of Homestead, PO Box 4319, Princeton FL 33030. D/C–4 ISECTICIDAL CONCENTRATE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 45.0%; Aromatic petroleum derivative solvent 53.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 38708–R. Xentex Water Management, 8607 Quivira Rd., Lenexa KS 66215. X-CIDE N. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76–11564 Filed 4–20–76;8:45 am]

[FRL 526–6]

SCIENCE ADVISORY BOARD, TECHNOLOGY ASSESSMENT AND POLLUTION CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Technology Assessment and Pollution Control Advisory Committee of the Science Advisory Board will be held beginning at 9:00 a.m., May 11 and 12, 1976, Room 3305 Waterside Mall, 401 M Street, SW, Washington, DC.

This meeting is the first meeting of the Technology Assessment and Pollution Control Advisory Committee. The purpose is to brief members of the Committee on the EPA legislation and organization, on the SAB operation, and on the functions and activities of various offices within EPA. The Committee will also discuss performing a quality review of scientific programs in EPA and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or submit a paper should contact Lloyd T. Taylor, Executive Secretary, Technology Assessment and Pollution Control Advisory Committee, (703) 557–7720, by c.o.b. May 6, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

APRIL 15, 1976.

[(FR Doc.76–11565 Filed 4–20–76;8:45 am]

[FRL 526–4]

U.S. FOREST SERVICE

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

The U.S. Forest Service, 1205–B (RPE), 14th & Independence Ave., NW, Washington DC 20250, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product BIOCONTROL–1 (EPA File Symbol 27586–R), containing 3.5% of the active ingredient Polyhedral inclusion bodies of Douglas fir tussock moth nucleopolyhedrosis virus which has not been included in any previously registered pesticide products. The application received from the U.S. Forest Service proposes that the product be used in aerial applications to control the Douglas fir tussock moth and be classified for general use. PH17

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended 86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comment should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the EPA File Symbol 27586–R. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register BIOCONTROL–1 will be announced in the FEDERAL REGISTER. The label furnished by the U.S. Forest Service, as well as 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. during the business day.

Dated: April 15, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76–11559 Filed 4–20–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ERDA-OWNED FOREIGN INVENTIONS

Notice of Availability for Licensing

The inventions listed below are the subject of U.S. Government-owned foreign patents in the custody of the U.S. Energy Research and Development Administration and are available for licensing in accordance with ERDA

Patent Licensing Regulations (Title 10 CFR, Part 781.61):

ARGENTINA

Argentine patents:

202,312	Simplified rotor for fast analyzer of rotary cuvette type.
202,544	Portable dynamic multistation photometer-fluorometer.
204,198	Compact fast analyzer of rotary cuvette type.
204,259	Compact dynamic multistation photometer utilizing disposable cuvette. rotor.

AUSTRALIA

Australian patents:

450,601	Thermal battery.
457,156	Method for reducing the oxygen in certain actinide oxides to less than stoichiometric levels.
459,079	Electromagnetic disturbance neutralization radiation detector.
460,719	Sodium purification process.
460,747	Removal of organic and inorganic iodine from a gaseous atmosphere.
460,751	Loading disk for photometric analyzer of rotary cuvette type.
463,080	Oscillating monitor for fissile material.
463,698	Bit cutter pump.
464,146	Digital radiation dosimeter with improved integrating pulse ionization chamber.

AUSTRIA

Austrian patents

322,880	Rotor for multistation photometric analyzer.
324,024	Loading disk for photometric analyzer of rotary cuvette type.
324,740	Dynamic multistation photometric analyzer for serological testing.
325,872	Rotor for fluorometric measurements in fast analyzer of rotary type.
325,873	Portable dynamic multistation photometer-fluorometer.
326,218	Automatic photomultiplier tube voltage controller.
326,933	Dynamic multistation photometer-fluorometer.

BELGIUM

Belgium patents

817,246	Recovery of fission-produced technetium, palladium rhodium and ruthenium.
817,703	Simplified rotor for fast analyzer of rotary cuvette type.
820,904	Potential sensing cell analyzer.
821,562	Data processor for multistation photometers.
822,803	Multiple-sample rotor assembly for blood fraction preparation.
825,140	Method for improving the extraction properties of a tributyl phosphate solution.
826,458	Compact fast analyzer of rotary cuvette type.

Belgium patents—continued

827,456	Process for converting sodium nitrate-containing, caustic liquid radioactive wastes to solid insoluble products.
827,762	Process for radiation grafting hydrogels onto organic polymeric substrates.
827,763	Electrolytic dissolver.
830,142	Method for separating boron isotopes.
830,357	Method of preparing an electrode of lithium-aluminum alloy.
833,200	Calcination process for radioactive wastes.

CANADA

Canadian patents:

959,244	Sintering of compacts of Un. (Pu) N. and PuN.
959,252	Nuclear fuel having minimum-gas-release properties.
959,537	Electrical surge diverting connector.
959,632	Recovery of sulfur dioxide.
961,176	Digital radiation dosimeter with improved integrating pulse ionization chamber.
961,177	Alarm radiation dosimeter with improved integrating pulse ionization chamber and high voltage supply.
961,775	Hemodialyzer with tapered slit blood ports and baffles.
961,925	Sulfur oxide activity measurement.
962,104	Multiple lens camera for obtaining time-sequential images.
962,481	Airborne isokinetic sampler.
962,854	Loading disk for photometric analyzer of rotary cuvette type.
963,024	Plutonium dissolution and plutonium alkoxide product.
963,536	Small-current integrator.
964,042	Recovery of purified helium or hydrogen from gas mixtures.
964,734	Horizontal vehicle mounted Omnidirectional loop Antenna having a shorting stub.
965,017	A hemodialyzer with an Accordian-like folded membrane.
965,224	Removal of organic and Inorganic iodine from a gaseous atmosphere.
965,584	Process for the separation of components from gas mixtures.
965,861	Ferroelectric ceramic longitudinal electrooptic scattering mode devices.
966,067	Reverse osmosis process using crosslinked aromatic polamide membranes.
966,333	Rotor for multistation photometric analyzer.
966,783	Compact dialyzer.
968,237	Fuel Elements.
969,773	Dynamic multistation photometer-flurometer.
971,356	Radiation resistant plastic electrical insulator.

Canadian patents—continued

971,387	Dynamic multistation photometric analyzer for serological testing.
971,657	Ferroelectric-type optical filter.
971,913	Multisensor particle sorter.
973,199	Method for the purification and recovery of tributyl phosphate used in reprocessing nuclear fuel.
973,259	Dual pulse counting system.
974,927	Bone substitute.
975,865	Ultrasonic isometric imaging system.
977,452	Two dimensional coils for electromagnetic generation and detection of acoustic waves.
977,544	Method for reducing the oxygen in certain actinide oxides to less than stoichiometric levels.
977,976	Method of repressing the precipitation of calcium fluozirconate.
978,276	Explosive laser.
978,285	Highly enriched multiply labeled stable isotope compounds as atmospheric tracers.
978,287	Method of mounting a fuel pellet in a laser-excited fusion reactor.
978,486	Centrifuge separator.
979,499	Superconductor.
979,538	A superconducting cable.
980,128	Extraction of mercury from alkaline brines.
981,052	Rotor for fluorometric measurements in fast analyzer of rotary type.
981,376	Neutron activation analysis system.
981,531	Solder leveling.
981,770	Low-loss conductor for AC or DC power transmission.
983,239	Method for separating isotopes.
984,063	Source holder collimator for encapsulating radioactive material and collimating the emanations from the material.
984,579	Preparation of $^{239}Pu^{16}O_2$.
985,064	Automatic photomultiplier tube voltage controller.
985,402	A Q-switched, mode-locked laser oscillator for producing bandwidth-limited pulses.

CHILE

Chilean patents:

28,190	Dynamic multistation photometric analyzer for serological testings.
28,191	Dynamic multistation photometer-fluorometer.
28,204	Compact dynamic multistation photometer utilizing disposable cuvette roto.
28,305	Portable dynamic multistation photometer-fluorometer.

DENMARK

Danish patents:

129,810	Roller band devices.
129,882	Position sensitive radiation detector.

EGYPT

Egyptian patent:

10,895	Acuator system.

FRANCE

French patents:
- 71.03,827 — Cold trap.
- 71.06,853 — Apparatus and method for coating microspheres with pyrolytic carbon.
- 71.08,144 — Two-dimensional position-sensitive radiation detector.
- 72.02,762 — Fluidized bed production of uranium monocarbide uranium aluminide mixtures.
- 72.08,876 — Single seed fuel module for a light water breeder reactor.
- 72.13,633 — Sintering of compacts of Un. (Pu)N. and PuN.
- 72.14,915 — Recovery of sulfur dioxide.
- 72.17,677 — Centrifuge separator.
- 72.39,588 — Digital radiation dosimeter with improved integrating pulse ionization chamber.
- 72.39,589 — Alarm radiation dosimeter with improved integrating pulse ionization chamber and high voltage supply.
- 72.46,749 — Plutonium dissolution and plutonium alkoxide product.
- 73.04,364 — Horizontal vehicle mounted omnidirectional loop antenna having a shorting stub.
- 73.40,771 — Device for measuring oxygen activity in liquid sodium.

GERMANY

German patents:
- 1,497,618 — Color photometer.
- 1,673,168 — Air sampling method and apparatus.
- 1,944,667 — Low noise particle sensing disc assembly.

GREAT BRITAIN

British patents:
- 1,358,066 — Laminar gas flow radiation detector.
- 1,382,034 — In situ coal bed gasification.
- 1,382,552 — Chemical plating method for preparing 252 cf neutron source material.
- 1,383,614 — Alarm radiation dosimeter with improved integrating pulse ionization chamber and high voltage supply.
- 1,383,623 — A high strength and high toughness steel.
- 1,383,868 — Spheroidization of grain boundary precipitates.
- 1,384,807 — Explosive laser.
- 1,384,997 — Tissue collector.
- 1,386,988 — Method of mounting a fuel pellet in a laser-excited fusion reactor.
- 1,387,192 — Loading disk for photometric analyzer of rotary cuvette type.
- 1,387,378 — Refuse and sewage polymer impregnated concrete.
- 1,387,951 — Production of uranium metal.
- 1,388,497 — Process for the separation of components from gas mixtures.
- 1,388,965 — Nuclear fuel for high temperature gas-cooled reactors.
- 1,389,382 — Computer generated optical sound tracks.

British patents—continued
- 1,389,499 — Extraction of mercury from alkaline brines.
- 1,390,045 — Low-loss conductor for AC or DC power transmission.
- 1,390,301 — Glass polymer composites.
- 1,390,418 — Reverse osmosis process using crosslinked aromatic polamide membranes.
- 1,390,707 — Automatic photomultiplier tube voltage controller.
- 1,390,738 — Bit cutter pump.
- 1,391,028 — Method for preparation of biocompatible and biofunctional material and products thereof.
- 1,392,414 — Method of repressing the precipitation of calcium fluozirconate.
- 1,393,052 — Catalytic reduction of nitrogen oxides.
- 1,394,141 — Uranium, niobium and carbon alloy.
- 1,395,093 — A Q-switched, mode-locked laser oscillator for producing bandwidth-limited pulses.
- 1,397,717 — Sinterable aluminum titanate powder.
- 1,398,835 — Device for measuring oxygen activity in liquid sodium.
- 1,400,355 — Corrosion resistant concrete.
- 1,400,367 — Method for removing alkyl iodides from air by mercuric nitrate solution.
- 1,402,225 — Dynamic multistation photo-fluorometer.
- 1,405,557 — Process for separating neptunium from thorium.
- 1,405,694 — Dynamic multistation photometric analyzer for serological testing.
- 1,409,480 — Neutron activation analysis system.
- 1,409,618 — Metal atom oxidation laser.
- 1,413,204 — Dual pulse counting system.
- 1,413,712 — Freezing drying method for preparing radiation source material.
- 1,414,885 — Compact dynamic multistation photometer utilizing disposable cuvette rotor.
- 1,418,330 — Chemical digestion of low level solid nuclear solid waste material.
- 1,423,321 — Method and apparatus for producing isolated laser pulses having a fast rise time.
- 1,425,357 — Impregnated chemical separation particles.
- 1,426,388 — Ultrasonic isometric imaging.
- 1,428,067 — Automated sample-reagent loader.
- 1,429,742 — Multisided electron beam excited electrically pumped gas laser systems.
- 1,430,542 — Recovery of fission-produced technetium, palladium, rhodium and ruthenium.
- 1,431,505 — Closed loop reflux system.
- 1,431,508 — Method for separating isotopes.

INDIA

Indian patent:
- 136,897 — Loading disk for photometric analyzer of rotary cuvette type.

ISRAEL

Israeli patents:
- 40,470 — A hemodialyzer with an accordian-like folded membrane.
- 40,915 — Rotor for multistation photometric analyzer.

ITALY

Italian patents:
- 984,613 — Rotor for multistation photometric analyzer.
- 986,026 — Sulfur oxide activity measurement.
- 987,289 — Freeze drying method for preparing radiation source material.
- 987,419 — Method of loading resin beads.
- 990,869 — Method of repressing the precipitation of calcium fluozirconate.
- 992,996 — Dynamic multistation photometer-fluorometer.
- 995,116 — Dynamic multistation photometric analyzer for serological testing.
- 995,557 — Compact dynamic multistation photometer utilizing disposable cuvette rotor.
- 995,863 — Process for separating neptunium from thorium.

JAPAN

Japanese patents:
- 747,769 — Multiremanent ferroelectric ceramic optical device.
- 745,708 — Parallel flow hemodialyzer.
- 756,152 — Improved multistation analytical photometer and method of use.
- 761,544 — Nuclear reactor control rod drive assembly.
- 764,809 — Sodium purification process.
- 764,810 — Pressure regulator for a circulating fluid system.
- 764,811 — Roller-band inertial switch.
- 773,095 — Electrochemical cell.
- 774,593 — Production of predominantly crystalline sols.
- 775,370 — Sensitive burst diaphragm for relief of overpressures.
- 780,525 — Method of conditioning aluminous surfaces for the reception of electroless nickel plating.
- 786,230 — Reactor power level sensing device.
- 788,201 — Environmental gas monitor for radioactivity.
- 788,217 — Neutron flux monitor.
- 793,733 — Method of operating a radioisotope radiation source.
- 1,063,809 — Elutriator.

MEXICO

Mexican patents:
- 130,252 — Loading disk for photometric analyzer of rotary cuvette type.
- 130,257 — Rotor for multistation photometric analyzer.
- 130,458 — Horizontal vehicle mounted omnidirectional loop antenna having a shorting stub.
- 131,446 — Method for smelting low-sulfur copper ores.

Mexican patents—Continued

131,536	Dynamic multistation photometric analyzer for serological testing.

PORTUGAL

Portuguese patents:

60,331	Dynamic multistation photometric analyzer for serological testing.
60,631	Compact dynamic multistation photometer utilizing disposable cuvette rotor.
61,735	Automated sample-reagent loader.

SOUTH AFRICAN

South African patents:

73/4532	Oxidative stripping process for the recovery of uranium from wet-process phosphoric acid.
73/8843	Pumpable rockbolt method

SPAIN

Spanish patents:

406,101	Removal of organic and inorganic iodine from a gaseous atmosphere.
409,111	Loading disk for photometric analyzer of rotary cuvette type.
409,317	Rotor for multistation photometric analyzer.

SWEDEN

Swedish patents:

372,649	Nuclear fuel debris retention structure.
373,672	Electromagnetic disturbance neutralization radiation detector.
374,430	Method and means for dimensional inspection of tubing.
374,846	Thermal battery.
376,086	Analytical photometer with means for measuring holding and transferring discrete liquid volumes and method of use thereof.
376,230	Non-equilibrium plasma for natural gas processing.
376,800	Loading disk for photometric analyzer of rotary cuvette type.
376,801	Sulfur oxide activity measurement.

SWITZERLAND

Swiss patents:

558,013	Dynamic multistation photometer-fluorometer.
560,549	Hemodialyzer with an accordian-like folded membrane.
562,448	Rotor for fluorometrio measurements in fast analyzer of rotary type.
566,000	Portable dynamic multistation photometer-fluorometer.
567,722	Dynamic multistation photometric analyzer for serological testing.
567,723	Automatic photomultiplier tube voltage controller. Compact dynamic multistation photometer utilizing disposable cuvette rotor.
573,596	Simplified rotor for fast analyzer of rotary cuvette type.

Copies of the foreign patents can be purchased from the respective foreign patent offices. When ordering copies of a foreign patent it is necessary to identify the specific number and title of the patent.

Application forms for, inquiries as to, and requests for a license should be directed to the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C., 20545. Each application for a license should be accompanied by a ten dollar ($10.00) processing fee payable to the U.S. Energy Research and Development Administration.

Dated at Washington, D.C. this 14th day of April 1976.

For the U.S. Energy Research and Development Administration.

LEONARD RAWICZ,
Deputy General Counsel.

[FR Doc.76-11529 Filed 4-20-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

WARC ADVISORY COMMITTEE FOR RADIO RELAY (COMMON CARRIER)

Meeting

The next meeting of the WARC Advisory Committee for Radio Relay, as proposed at the committee's last meeting in April will be held on May 6, 1976 at 9:00 a.m. in Room 8210, 2025 M Street NW., Washington, D.C. 20554. The meeting will be conducted in accordance with the following agenda:

1. Call to order.
2. Motion to adopt minutes of April 15, 1976 meeting.
3. Review and discuss draft committee report and make any alterations deemed necessary.
4. Adopt report and recommendations for submission to the WARC Steering Committee.
5. Further business which may arise.
6. Adjournment.

All committee members are urged to attend this meeting. Members of the general public are welcome. Individuals desiring to present oral or written statements at the meeting should consult with the committee chairman before the meeting.

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

[FR Doc.76-11533 Filed 4-20-76;8:45 am]

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

In preparation for the 1979 World Administrative Radio Conference, the next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee, headed by Wendell R. Harris, will be held on Wednesday, May 12, 1976, at 10:00 a.m. in Room 8210, 2025 M Street NW., Washington, D.C.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition of the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks
2. Reports from Chairmen of Fact-Finding Task Groups
3. Discussion of Committee's final spectrum requirements report
4. Approval of Report
5. Further Business
6. Adjournment

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

[FR Doc.76-11534 Filed 4-20-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE, DOVER, DEL.

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1976, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (e.s.t.) on April 17, 1976 through April 26, 1976.

By order of the Board of Directors, April 14, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-11455 Filed 4-20-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 210]

HERITAGE FINANCIAL CORP.

Receipt of Application for Permission To Acquire Control of Norton Savings and Loan Association

APRIL 16, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Heritage Financial Corporation, Hays, Kansas, a Kansas Corporation, for approval of acquisition of control of the Norton Savings and Loan Association, Norton, Kansas, an insured institution,

under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase of substantially all of the permanent stock of Norton Savings and Loan Association by the Heritage Financial Corporation. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 21, 1976.

[SEAL] RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-11526 Filed 4-20-76;8:45 am]

FEDERAL MARITIME COMMISSION

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. 552 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.

SFO Airport Packing & Forwarding Company, P.O. Box 8672, S.F. Int'l Airport, San Francisco, CA 94128. Officers: Newton S. Colburn, Partner, Robert Balanza, Partner.

M & A Cargo Services Inc., 1400 NW 10th Avenue, Suite 20-C, Miami, Florida 33136. Officers: Abel I. Esteva, President, Maria E. Lamadrid, Secretary.

Cargo Manila, Inc., 420 Lexington Avenue, New York, New York 10017. Officer: Arthur Jalandoni, Pres. & Gen. Mgr.

Roger W. Baum, P.O. Box 1305, Tampa, Florida 33601.

GAR International, Inc., 115 Lomita St., El Segundo, CA 90245. Gene V. Gregg, President, Alan W. Rae, Vice President.

By the Federal Maritime Commission.

Dated: April 16, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11510 Filed 4-20-76;8:45 am]

COMMODORE CRUISE LINE LTD. AND BISCAYNE EXPRESS LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, 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 May 3, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pennsylvania 19102.

Agreement No. 10233, between Commodore Cruise Line, Ltd. and Biscayne Express Line, Inc., is a space charter arrangement whereby Commodore agrees to let and Biscayne agrees to hire the entire ro/ro deck of the M/V "Bolero" and/or substitute for common carrier cargo service in the trades between Miami, Florida and Montego Bay, Jamaica and Port-au-Prince, Haiti, pursuant to terms and conditions spelled out in the agreement.

By Order of the Federal Maritime Commission.

Dated: April 16, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11507 Filed 4-20-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 1691]

EL FARO DE CABO ROJO SHIPPING CO., INC.

Reinstatement of License

By Federal Maritime Commission Order served March 2, 1976, El Faro De Cabo Rojo Shipping Co., Inc.'s Independent Ocean Freight Forwarded License No. 1691 was revoked effective February 25, 1976, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on March 8, 1976 in 41 FR 9916.

An appropriate surety bond has been received in favor of El Faro De Cabo Rojo Shipping Co., Inc. and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9 of General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Orders No. 1 (revised) Section 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1691 shall be reissued to El Faro De Cabo Rojo Shipping Co., Inc., effective February 25, 1976. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon El Faro De Cabo Rojo Shipping Co., Inc.

DONALD J. BRUNNER,
Managing Director.

[FR Doc.76-11511 Filed 4-20-76;8:45 am]

[Independent Ocean Freight Forwarder License No. 643]

EXPORT SHIPPING SERVICE CORP.

Order of Revocation

On April 9, 1976, License No. 643 issued to Export Shipping Service Corp., 7875 NW 29th Street, Miami, Florida 33148, was voluntarily surrendered for revocation.

By virtue of authority vested in me by the Federal Martime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01 (b), dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 643 issued to Export Shipping Service Corp., be and is hereby revoked effective April 9, 1976 without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Export Shipping Service Corp.

LEROY F. FULLER,
Director,
Bureau of Certification & Licensing.

[FR Doc.76-11509 Filed 4-20-76;8:45 am]

TROPICAL STEAMSHIP CRUISES INC. ET AL.

Order of Revocation

Certificate of Financial Responsibility for Indemnification of passengers for nonperformance of Transportation No. P-21 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,048.

In the matter of Tropical Steamship Cruises, Incorporated and Bahamas Shipping Corporation, c/o Eastern Steamship Lines, Inc., 1317 Biscayne Blvd., P.O. Box 882, Miami, Florida 33101.

Whereas, Tropical Steamship Cruises, Incorporated and Bahamas Shipping Corporation have ceased to operate the passenger vessel BAHAMA STAR (ex NEW BAHAMA STAR).

It is ordered, that Certificate (Performance) No. P-21 and Certificate (Casualty) No. C-1,048 issued to Tropical Steamship Cruises, Incorporated covering the NEW BAHAMA STAR, reissued to Tropical Steamship Cruises, Incorporated and Bahamas Shipping Cor-

poration covering the NEW BAHAMA STAR, and reissued to Tropical Steamship Cruises, Incorporated and Bahamas Shipping Corporation covering the BAHAMA STAR, be and are hereby revoked effective April 13, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission April 13, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11508 Filed 4-20-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-90]

BOSTON EDISON CO.

Order Denying Rehearing

APRIL 12, 1976.

On March 17, 1976, Boston Edison Company (Edison) filed an Application for Rehearing of the Commission's order of February 20, 1976. Edison states it is applying for rehearing of the determination that Edison's Rate S-4 filing was completed on January 23, 1976, as opposed to August 27, 1975, the date the filing was originally tendered. Edison also seeks rehearing because the February 20, 1976, order denied Edison's request for an effective date of February 27, 1976, the latest date to which Rate S-4 could have been suspended under the Federal Power Act if the filing was completed on August 27, 1975. For the reasons hereinafter stated, we shall deny the Application for Rehearing.

On August 27, 1975, Edison tendered for filing a proposed increase in rates for electric service to four total requirements Massachusetts municipal customers. In its submittal, Edison included Period I cost of service data based on the calendar year 1974. By letter dated September 24, 1975, the Commission informed Edison that the submitted data was stale and advised Edison to file revised Period I data. Edison applied for rehearing of the letter order which was denied by order issued November 14, 1975.

On January 23, 1976, Edison submitted Period I data for the year ended September 30, 1975, and Period II data for calendar year 1976. Edison proposed an effective date of February 27, 1976, the date the August 27, 1975, submittal would have become effective if it had been accepted for filing and suspended for five months. By order issued February 20, 1976, Edison's Rate S-4 was accepted for filing as of January 23, 1976, and suspended for five months to become effective July 24, 1976, subject to refund.

Edison repeats here its earlier contention that the Period I data which Edison tendered on August 25, 1975, were the most recently available data as required by the Commission's then effective regulations and that its rate filings satisfied all of the pertinent filing requirements. Edison states that the Commission was therefore compelled to accept the rate for filing and to permit the rate to become effective no later than February 27, 1976. Edison argues the Commission's February 20, 1976 order denying the effective date of the S-4 rate until July 24, 1976, was erroneous since "it is predicated upon and perpetuates the legal error of the Commission's earlier orders of September 24, 1975 and November 14, 1975." Edison contends that because the August 27, 1975 filing met the requirements of the Commission's regulations and the Federal Power Act, the Commission did not have the statutory authority to suspend the S-4 rate beyond February 27, 1976. Edison states that it does not question the Commission's authority to select the maximum five month suspension period, but it does question the Commission's determination that the August 27, 1975 filing was not completed in compliance with the filing requirements. Edison adds that it will accept the full five month suspension period from whichever date is determined on appeal to have been the date the filing was completed.

Edison's Period I data tendered for filing on August 27, 1975, ended nearly eight months earlier. The filing requirement then in effect required that the data upon which Period I was based be the "most recently available." As stated in the November 14, 1975, order which denied rehearing of the letter order informing Edison its filing was deficient, "data for a Period I which ends more than 7 months prior to the date of a filing will not be construed as the most recently available, as required by Section 35.13(b)(4)(iii) of the Regulations." Edison's S-4 rate filing remained deficient until an updated Period I was submitted on January 23, 1976, which complied with the filing requirements at which time the filing was deemed complete. As Edison concedes, it is within the Commission's discretion to suspend the effectiveness of a rate filing for the maximum five month period from the date the filing is completed. Edison has raised no new issues of law or fact herein which would render rehearing of the July 24, 1976, effective date necessary, and accordingly, Edison's application for rehearing will be denied.

The Commission finds: Good cause exists to deny Edison's application for rehearing.

The Commission orders: (A) Edison's application for rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11412 Filed 4-20-76;8:45 am]

[Docket No. ER76-495, (Phase I), (Phase II)]

CAROLINA POWER & LIGHT CO.

Order on Rehearing and Granting Motion to Sever Issue for Expedited Hearing

APRIL 12, 1976.

Petitions for rehearing of the Commission's February 27, 1976 order in this proceeding have been filed by Carolina Power & Light Company (CP&L), the ElectriCities of North Carolina and the Cities of Bennetsville and Camden, South Carolina (ElectriCities) and the North Carolina Electric Membership Corporation and Four County Electric Membership Corporation (EMCs). For the reasons discussed below, we shall deny the petition for rehearing filed on behalf of the ElectriCities and the EMCs, and grant CP&L's petition for rehearing and stay of our order for the purpose of reconsideration insofar as that order required CP&L to eliminate the normalization of taxes utilized in its proposed rates. The Commission shall further grant the motion of the ElectriCities and EMCs for an expedited hearing on the fuel surcharge issue in this proceeding.

On January 30, 1976, CP&L tendered for filing a proposed rate increase which was based, in part, on the utilization of comprehensive interperiod tax allocation. The Commission's review of the filing indicated that CP&L had normalized the tax effect of a class of items covered by Order No. 530 without making the requisite showing that a tax deferral rather than a permanent tax saving would result from normalization. The Commission's order pointed out that Order No. 530-A required such a showing be made.

On March 23, 1976, CP&L filed an application for rehearing, reconsideration and stay of the Commission's February 27, 1976 order insofar as it required CP&L to eliminate the utilization of tax normalization in its proposed rates.

By order issued March 18, 1976, the Commission granted a petition filed on behalf of a group public utilities for reconsideration of Order No. 530-A.[1] Since our decision to summarily reject CP&L's utilization of comprehensive interperiod tax allocation was premised upon the findings of Order No. 530-A, it is appropriate, pending reconsideration of Order No. 530-A, to grant CP&L's application for rehearing of this issue. We shall therefore, pending our final determination in Docket No. R-424, grant CP&L's application for rehearing for the purpose of reconsideration.

Pending decision on rehearing of Order No. 530-A we shall further extend our grant of stay of Ordering Paragraph (C) of the February 27, 1976 order in this proceeding wherein CP&L was required to file revised tariff sheets.[2]

---

[1] Accounting for Premium, Discount and Expense of Issue, Gains and Losses on Refunding and Reacquisition of Long-term Debt, and Interperiod Allocation of Income Taxes, Docket No. R-424, Order Granting "Petition on Behalf of a Group of Public Utilities and Licensees for Rehearing of Order No. 530-A" For Purpose of Further Consideration and Providing For the Filing of Responses, order issued March 18, 1976.

[2] An order granting CP&L's request for stay of Ordering Paragraph (C) pending the Commission's decision on rehearing of the February 27, 1976 order was issued April 1, 1976.

On March 26, 1976, the ElectriCities and the EMCs filed an application for rehearing of the Commission's February 27, 1976 order insofar as it 1) did not reject the proposed fuel deferral surcharge, 2) did not require CP&L to refile rates excluding the effect of CP&L's new depreciation rates, and 3) suspended the proposed rate increase for only two months instead of five months. The ElectriCities and EMCs subsequently filed a motion requesting the Commission to sever the fuel deferral surcharge issue and set it for an expedited hearing in the event the Commission denied intervenors' petition for rehearing on this issue.

With respect to the fuel deferral surcharge we previously found the issue to be proper for investigation rather than a proper subject for summary disposition. There is uncertainty concerning the costs to be recouped from the operation of the surcharge and the period of time these alleged unrecovered costs were incurred. In light of this factual controversy a summary disposition of Resale Temporary Rider No. 3 is not appropriate.[3] Upon consideration of the intervenors' request for an expedited hearing on this issue we find good cause exists to sever from this proceeding the issue of the justness and reasonableness of Resale Temporary Rider No. 3 and set it for a separate hearing and decision on an expedited basis. The Commission order of February 27, 1976 established a prehearing conference in this docket on April 22, 1976. We shall direct the Presiding Administrative Law Judge to establish on that date an expedited hearing schedule for the issue (Phase I) as well as establishing a hearing schedule for the remaining issues in this proceeding (Phase II).

With respect to the issue of CP&L's proposed depreciation rates the Commission thoroughly considered the intervenors' arguments in its February 27, 1976 order. There is therefore no basis for granting rehearing of that order on this issue.

With respect to the Commission's decision to suspend CP&L's filing for two months the intervenors petition for rehearing is inappropriate. Upon thorough consideration of CP&L's filing and intervenors' protests and petitions to intervene the Commission found a two-month suspension period to be warranted. Such decision is one of Commission discretion.[4] Reconsideration of the suspension period shall be denied.

The Commission finds: (1) Good cause exists to grant CP&L's application for rehearing of Ordering Paragraph (C) of the Commission's February 27, 1976 order in this docket for the purpose of further consideration, pending reconsideration of Order No. 530–A.

(2) Good cause does not exist to grant the application for rehearing of the Commission's February 27, 1976 order filed by the ElectriCities and the EMCs.

(3) Good cause exists to grant the Motion of the ElectriCities and EMCs to sever the issue of Resale Temporary Rider No. 3 from this proceeding for the purpose of an expedited procedure as hereinafter ordered.

The Commission orders: (A) CP&L's application for rehearing of Ordering Paragraph (C) of the Commission's February 27, 1976 order in this docket is hereby granted for the purpose of reconsideration, pending reconsideration of Order No. 530–A.

(B) The application for rehearing of the Commission's order of February 27, 1976 in this docket filed on behalf of the ElectriCities and EMCs is hereby denied.

(C) The Motion of the ElectriCities and EMCs to sever the issue of Resale Temporary Rider No. 3 from this proceeding for the purpose of an expedited hearing is hereby granted.

(D) The Presiding Administrative Law Judge shall, at the initial conference in this proceeding on April 22, 1976, establish an expedited hearing procedure to determine the justness and reasonableness of Resale Temporary Rider No. 3. This severed issue shall be docketed Docket No. ER76–495 (Phase I). The remaining issues in this proceeding shall be considered in Phase II of this docket.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11414 Filed 4–20–76;8:45 am]

[Docket No. ER76–573]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Certificates of Concurrence

APRIL 12, 1976.

Take notice that on March 29, 1976, Duke Power Company tendered for filing Certificates of Concurrence in the rate schedule supplements described below which Carolina Power & Light Company has filed with the Commission by letter dated March 23, 1976:

Agreement dated March 15, 1976, amending the 1971 Generator Installation Agreement for the Carolina Power & Light Company Asheville Plant (Carolina Power & Light Company FPC No. 98; Duke Power Company FPC No. 247).

Agreement dated March 15, 1976, amending the Interconnection Agreement between Carolina Power & Light Company and Duke Power Company dated June 1, 1961, amending the Standby Concurrent Exchange Agreement between Carolina Power & Light Company and Duke Power Company dated January, 1957, and terminating the Agreement dated October 9, 1972, for a third circuit in the Roxboro-Eno Interconnection (Duke Power Company FPC No. 10; Carolina Power & Light Company FPC No. 45).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11425 Filed 4–20–76;8:45 am]

[Docket No. ER76–601]

CONNECTICUT LIGHT AND POWER CO.

Notice of Purchase Agreement

APRIL 13, 1976.

Take notice that on April 5, 1976, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated January 15, 1976 between (1) CL&P and Western Massachusetts Electric Company (WMECO), and (2) Central Maine Power Company (CMP).

CL&P states that the Purchase Agreement provides for a sale to CMP of a specified percentage of capacity and energy from eight gas turbine generating units (Branford, Enfield, Tunnel, Tracy, and four units at Silver Lake) during the period from February 1, 1976 to April 30, 1976 together with related transmission service.

CL&P requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1976.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, WMECO, West Springfield, Massachusetts, and CMP, Augusta, Maine.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30,

[3] Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC, 450 F. 2d 1341 (D.C. Cir. 1971), cert. denied 405 U.S. 989 (1972); Citizens For Allegan County, Inc. v. F.P.C., 414 F. 2d 1125 (D.C. Cir. 1969).

[4] Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C. supra note 3, Minneapolis Gas Company v. F.P.C., 294 F.2d 212 (D.C. Cir. 1961); Cities of Lexington, etc., Kentucky v. F.P.C., 295 F. 2d 109 (4th Cir. 1961); See also Arrow Transportation Co. v. Southern Railway Co., 372 U.S. 658 (1963).

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 proceedings. 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.76-11430 Filed 4-20-76;8:45 am]

[Docket No. CI72-492]

CONTINENTAL OIL CO.

Order Granting Rehearing for Purposes of Further Consideration

APRIL 12, 1976.

On March 22, 1976, Continental Oil Company (Continental) filed an application for rehearing of a letter order dated March 11, 1976, issuing a temporary certificate.

The letter order contained a condition in accordance with Section 2.83(d) of the Commission's General Policy and Interpretations, as prescribed in Order No. 539.[1]

Order No. 539, issued and effective on October 14, 1975, was a statement of policy that reiterated the Commission's policies with respect to the enforcement of certificated minimum delivery obligations. In that order the Commission promulgated new Section 2.83, subsection (d) of which was directed to be included as a condition in all temporary and permanent certificates issued on or after the effective date of Order No. 539. On November 28, 1975, the Commission issued an order in Docket No. RM76-8 granting reconsideration of Order No. 539 for the purpose of further consideration.

On March 26, 1976, the Commission issued Order No. 539-A, which amended Section 2.83(d) of the Regulations to permit a party to object to the inclusion of the amended Section 2.83(d) language in the certificate by requesting a hearing on that question. In addition, under that order a producer may commence deliveries as applied for, without prejudice to its right to seek rehearing of any Order No. 539 conditions included in the certificate and its right to seek review thereof under Section 19 of the Natural Gas Act.

Applicant for rehearing contends that the condition added to all newly issued temporary and permanent certificates pursuant to Order No. 539 is unlawful in that it exceeds the Commission's jurisdiction, which immediately aggrieves the petitioner.

A reasoned analysis of the questions posed in the petition for reconsideration requires that we first consider the relevance of this petition to the issues raised upon reconsideration of Order No. 539; however, this determination must await the Commission's final order in the proposed rulemaking in Docket No. RM76-8. Therefore, we will grant the petition for rehearing solely for the purpose of further consideration. This action does not constitute a grant or denial of the petition for rehearing on its merits in whole or in part.[2]

The Commission orders: The application for rehearing filed by Continental in Docket No. CI72-492 is granted for purposes of further consideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11413 Filed 4-20-76;8:45 am]

CONTINENTAL OIL CO.

[Docket No. CI76-359]

Order Granting Rehearing for Purposes of Further Consideration

APRIL 12, 1976.

On March 23, 1976, Continental Oil Company (Continental) filed an application for rehearing of a letter order dated March 11, 1976, issuing a temporary certificate.

The letter order contained a condition in accordance with Section 2.83(d) of the Commission's General Policy and Interpretations, as prescribed in Order No. 539.[1]

Order No. 539, issued and effective on October 14, 1975, was a statement of policy that reiterated the Commission's policies with respect to the enforcement of certificated minimum delivery obligations. In that order the Commission promulgated new Section 2.83, subsection (d) of which was directed to be included as a condition in all temporary and permanent certificates issued on or after the effective date of Order No. 539. On November 28, 1975, the Commission issued an order in Docket No. RM76-8 granting reconsideration of Order No. 539 for the purpose of further consideration.

On March 26, 1976, the Commission issued Order No. 539-A, which amended Section 2.83(d) of the Regulations to permit a party to object to the inclusion of the amended Section 2.83(d) language in the certificate by requesting a hearing on that question. In addition, under that order a producer may commence deliveries as applied for, without prejudice to its right to seek rehearing of any Order No. 539 conditions included in the certificate and its right to seek review thereof under Section 19 of the Natural Gas Act.

Applicant for rehearing contends that the condition added to all newly issued temporary and permanent certificates pursuant to Order No. 539 is unlawful in that it exceeds the Commission's jurisdiction, which immediately aggrieves the petitioner.

A reasoned analysis of the questions posed in the petition for reconsideration requires that we first consider the relevance of this petition to the issues raised upon reconsideration of Order No. 539; however, this determination must await the Commission's final order in the proposed rulemaking in Docket No. RM76-8. Therefore, we will grant the petition for rehearing solely for the purpose of further consideration. This action does not constitute a grant or denial of the petition for rehearing on its merits in whole or in part.[2]

The Commission orders: The application for rehearing filed by Continental in Docket No. CI76-359 is granted for purposes of further consideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11415 Filed 4-20-76;8:45 am]

[Docket No. CP73-135]

DISTRIGAS OF MASSACHUSETTS CORP.

Notice of Amendment to Application

APRIL 13, 1976.

Take notice that on April 2, 1976, Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP73-135, pursuant to Section 7(c) of the Natural Gas Act, an amendment to its application in said docket and requests that the Commission amend the temporary certificate granted in this proceeding on September 2, 1975, and any extensions thereof. DOMAC states that the purpose of the subject filing is to reflect an amendment in the liquefied natural gas (LNG) supply contracts between Distrigas Corporation (Distrigas) and Alocean, Ltd., which results in a modification of the price to be paid pursuant to the pricing provision, with such modification in the import price to be passed through to DOMAC as provided in the amendment to application filed on February 23, 1976, in Docket No. CP74-227 by Distrigas. DOMAC's proposals are more fully set forth in the subject amendment to application which is on file with the Commission and open to public inspection.

DOMAC states that in Opinion No. 613 and accompanying order, issued March 9, 1972, in Docket No. CP70-196 (47 FPC 752), Distrigas was authorized to import annually from Algeria up to approximately 15.4 trillion Btu of LNG and pursuant to such authorization Distrigas imported eleven cargoes of approximately 50,000 cubic meters each delivered at the LNG terminal at Everett, Massachusetts, through January 1976 and more cargoes are expected to be imported in

[1] Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements, Order No. 539, Docket No. RM76-8, ____ FPC ____ (October 14, 1975).

[2] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 FPC 1091 (1968).

[1] Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements, Order No. 539, Docket No. RM76-8, ____ FPC ____ (October 14, 1975).

[2] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 FPC 1091 (1968).

the relatively near future. DOMAC asserts that since the authorization granted in Docket No. CP70–196 related only to the importation and not to the sale of LNG, Distrigas filed an application in Docket No. CP74–227 for authority to sell to DOMAC the LNG imported under the authorization in Docket No. CP70–196. It is stated that such sale is made pursuant to a long term LNG requirements agreement, dated October 11, 1973, which provides that DOMAC shall pay for LNG purchased by it the price specified in the supply contracts between Distrigas and Alocean, Ltd., as it may be from time to time adjusted pursuant to the terms thereof.

DOMAC notes that as of October 1, 1973, DOMAC was established to own and operate the Everett terminal and to make sales of all the LNG imported by Distrigas at Everett and that DOMAC filed a request to be substituted for Distrigas as of October 1, 1973, as applicant in Docket No. CP73–135 for authority to make interstate sales. It is stated that DOMAC also filed an application, under protest, in Docket No. CP 74–137 for authority to construct and operate the Everett terminal. It is indicated that by order issued April 28, 1975, in Docket No. CP74–227, a conditional certificate was granted to Distrigas to make sales to DOMAC for a past period from October 1, 1973, to February 21, 1974, and that the same order authorized Distrigas in Docket No. CP73–135 to make sales for resale in interstate commerce of LNG imported pursuant to Opinion No. 613 prior to October 1, 1973, and to DOMAC for such sales from October 1, 1973, to February 21, 1974.

DOMAC states that on September 2, 1975, Distrigas received a temporary certificate in Docket No. CP73–135 authorizing the interstate sales of volumes to be received through March 31, 1976. It is indicated that pursuant to the temporary certificate DOMAC was authorized to collect its currently effective contract rates with its interstate customers subject to determination in the final order issued in Docket No. CP73–135.

It is asserted that Distrigas filed in Docket No. CP70–196, pursuant to Section 3 of the Natural Gas Act, an application to amend its import authorization to permit payment to Alocean, Ltd., pursuant to an agreement of amendment, dated October 4, 1975, and that such agreement modifies the basic LNG supply contracts between Distrigas and Alocean, Ltd., to provide for a C.I.F. rate at Everett of 70.6 cents per million Btu subject to a currency and inflation adjustment formula. By the instant filing, it is asserted that DOMAC amends its application in Docket No. CP73–135 to reflect the fact that the importation rate paid to Alocean, Ltd., which will be the rate charged to DOMAC will, upon approval by the Commission, be the rate as provided in the agreement of amendment of October 4, 1975, as proposed by Distrigas in its application to amend in Docket No. CP70–196 filed December 5, 1975.

Accordingly, by the instant filing, DOMAC requests the following:

1. That its application for permanent certificate of public convenience and necessity in Docket No. CP73–135 be amended to reflect its request for authority to sell LNG to its interstate customers at rates which will pass through the effect of the agreement of armament, dated October 4, 1975, between Distrigas and Alocean, Ltd.

2. That the temporary certificate issued September 2, 1975, and any extension thereof in this proceeding be amended to permit the sale of DOMAC to its interstate customers at the rates provided in the amended interstate contracts which pass through the effect of the agreement of amendment, dated October 4, 1975, between Distrigas and Alocean, Ltd.

3. That the new rates which pass through the effect of the agreement of amendment be made effective as of July 1, 1975; or, in the alternative,

4. That a surcharge of 0.35 cent per million Btu multiplied by the number of cargoes delivered between July 1, 1975, and the effective date of the agreement of amendment pursuant to Commission authorization, be authorized for each of DOMAC's interstate sales for the duration of the terms of the LNG supply contracts, dated December 3, 1969, and September 10, 1970, between Distrigas and Alocean, Ltd.

In requesting this amendment to its temporary certificate, DOMAC states its willingness to accept a rate condition similar to that contained in the temporary certificate issued September 2, 1975, which makes the rates charged subject to determination in the final order issued in Docket No. CP73–135.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 6, 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 (18 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11439 Filed 4-20-76;8:45 am]

[Docket No. CP74–137; Docket No. CP70–196]

DISTRIGAS OF MASSACHUSETTS CORP. AND DISTRIGAS CORP.

Notice of Amendment to Application

APRIL 13, 1976.

Take notice that on April 2, 1976, Distrigas of Massachusetts Corporation (DOMAC) and Distrigas Corporation (Distrigas), 125 High Street, Boston, Massachusetts 02110, filed an amendment to DOMAC's application in Docket No. CP74–137 for a certificate of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act, to request authorization to construct and operate the Everett, Massachusetts, Facilities pursuant to Section 3 of the Natural Gas Act and to add Distrigas as a party-applicant in said docket, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in Opinion No. 613 and accompanying order, issued March 9, 1972, in Docket No. CP70–196, et al. (47 FPC 752), the Commission authorized Distrigas to import certain annual volumes of liquefied natural gas (LNG) from Algeria to be purchased from Alocean, Ltd., which ships the supplies to the Everett, Massachusetts, terminal and held that the construction and operation of the terminal were not subject to Commission jurisdiction. It is asserted that Distrigas constructed the Everett terminal and began operations, but that on May 25, 1973, and June 20, 1973, in Docket No. CP73–78, et al., the Commission issued orders reversing its position taken in Opinion No. 613 and holding that Distrigas, or an affiliate, is required to obtain a certificate to construct and operate the Everett terminal. Applicants indicate that on October 1, 1973, Distrigas transferred the Everett terminal and assigned its sales contracts to its affiliate, DOMAC, and that DOMAC, reflecting this change in ownership and pursuant to the orders of May 25, and June 20, 1973, filed in Docket No. CP74–137, under protest, on November 15, 1974, an application pursuant to Section 7 of the Natural Gas Act for authority to construct and operate the Everett terminal, which had already been completed and placed in operation in the manner contemplated by Opinion No. 613.

Applicant asserts that upon review of the orders of May 25 and June 20, 1973, the Court of Appeals in Distrigas Corp. v. F.P.C., 495 F. 2d 1057; cert. denied, 419 U.S. 834 (1974), (Distrigas case) held that the Commission could not require Distrigas to obtain certificates under Section 7 of the Natural Gas Act for construction and operation of the terminal or for the sales for resale within Massachusetts and remanded the proceedings for consideration to be given to authorization of such activities under Section 3 of the Natural Gas Act. Applicants state that by order issued

September 12, 1974, the Commission reopened the proceedings in Docket No. CP70–196 in order to carry out the Court's mandate. It is indicated that in Docket No. CP74–227, Distrigas filed an application for authority to sell to DOMAC the LNG to be imported under authority granted in Opinion No. 613 and that in Docket No. CP73–135, DOMAC requested authorization to make sales for resale of the imported LNG purchased from Distrigas to certain interstate customers.

In light of the Court of Appeals' decision in the Distrigas case and to facilitate consideration of this matter, Applicants request that the application in Docket No. CP74–137 be amended to request authorization pursuant to Section 3 of the Natural Gas Act and to add Distrigas as a party-applicant.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11438 Filed 4–20–76;8:45 am]

[Docket Nos. RP72–155 and RP75–39 (PGA76–1)]

EL PASO NATURAL GAS CO.

Notice of Further Extension of Procedural Dates

APRIL 13, 1976.

On March 26, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued February 2, 1976, in the above-designated proceeding.

Staff Counsel states that El Paso does not object to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and Intervenor Testimony, May 14, 1976.
Service of Company Rebuttal, May 28, 1976.
Hearing, June 15, 1976 (10:00 A.M., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11435 Filed 4–20–76;8:45 am]

[Docket No. CP76–315]

FLORIDA GAS TRANSMISSION CO. AND UNITED GAS PIPE LINE CO.

Notice of Application

APRIL 12, 1976.

Take notice that on March 31, 1976, Florida Gas Transmission Company (Florida), P.O. Box 44, Winter Park, Florida 32789, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 76–315 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants request authorization to exchange natural gas at a new and additional delivery point at which Florida will deliver or cause to be delivered to United natural gas for redelivery to Florida at any mutually agreeable and authorized existing point of interconnection between their systems. The application states that the new exchange point would be located on United's Lirette-Mobile pipeline in Terrebonne Parish, Louisiana, at which point Florida proposes to deliver up to 5,000 of gas per day in exchange for simulteaneous redelivery of equivalent quantities of gas at presently authorized and existing interconnections between their systems. The exchanges would be on a gas-for-gas basis.

Applicants state that Florida has contracted for a supply of gas from Florida Gas Exploration Company, a producing affiliate, to be produced from the Brunet No. 1 Well in Terrebonne Parish. Florida would connect the well to United's facilities under budget-type authorization, the application states.

The application states further that the proposed interconnection and exchange of natural gas would be beneficial to Applicants and their customers in that they will provide added flexibility of operation and continuity of service in the event of an emergency or other situation on the pipeline system of either company which can be alleviated by deliveries of gas from the other.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 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 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11417 Filed 4–20–76;8:45 am]

[Docket No. ER76–597]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

APRIL 13, 1976.

Take notice that on April 2, 1976, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to South Meadow Gas Turbine Units, dated January 30, 1976 between (1) HELCO and (2) the Town of Mansfield, Massachusetts Municipal Electric Department (MMED).

HELCO states that the Purchase Agreement provides for a sale of MMED of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 11, 12, 13, and 14) during the period from February 1, 1976 to October 31, 1976 together with related transmission service.

HELCO requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 28, 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 proceedings. 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.76–11436 Filed 4–20–76;8:45 am]

[Docket No. ER76-598]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

APRIL 13, 1976.

Take notice that on April 2, 1976, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to South Meadow Gas Turbine Units, dated January 30, 1976 between (1) HELCO and (2) the Town of Holden, Massachusetts Municipal Light Department (HMLD).

HELCO states that the Purchase Agreement provides for a sale of HMLD of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 1, 12, 13, and 14) during the period from February 1, 1976 to October 31, 1976 together with related transmission service.

HELCO therefore requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1976.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, and HMLD, Holden, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 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 proceedings. 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.76-11434 Filed 4-20-76;8:45 am]

[Docket No. ER76-602]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

APRIL 13, 1976.

Take notice that on April 5, 1976, the Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to South Meadow Gas Turbine Units, dated January 30, 1976 between (1) HELCO and (2) the Town of Templeton, Massachusetts Municipal Light Department (TMLD).

HELCO states that the Purchase Agreement provides for a sale to TMLD of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 11, 12, 13 and 14) during the period from February 1, 1976 to October 31, 1976, together with related transmission service.

HELCO requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1976.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, and TMLD, Baldwinville, Massachusetts.

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 Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 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 proceedings. 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.76-11432 Filed 4-20-76;8:45 am]

[Docket No. ER76-603]

HARTFORD ELECTRIC LIGHT CO.

Notice of Purchase Agreement

APRIL 13, 1976.

Take notice that on April 5, 1976, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchased Agreement with Respect to South Meadow Gas Turbine Units, dated January 30, 1976 between (1) HELCO and (2) the Town of Hingham, Massachusetts Municipal Lighting Department (HMLP).

HELCO states that the Purchase Agreement provides for a sale to HMLP of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 11, 12, 13 and 14) during the period from February 1, 1976 to October 31, 1976 together with related transmission service.

HELCO requests that the Commission waive the thirty-day notice period and permit the rate schedule filed to become effective on February 1, 1976.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, and HMLP, Hingham, Massachusetts.

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 30, 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.76-11431 Filed 4-20-76;8:45 am]

[Docket No. ER76-593]

IOWA PUBLIC SERVICE CO.

Notice of Filing of Agreement

APRIL 13, 1976.

Take notice that on April 1, 1976, Iowa Public Service Company (IPS) tendered for filing copies of a Firm Power Transaction between IPS and Minnesota Power and Light Company (MP&L), dated March 9, 1976.

IPS states this submittal represents a new agreement with MP&L and, therefore, is made in accordance with Section 35.12 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11427 Filed 4-20-76;8:45 am]

[Docket No. ES76-47]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

APRIL 13, 1976.

Take notice that on April 5, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 950,000 shares of Common Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the state of Iowa.

The Common Stock is to be issued on approximately June 17, 1976. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock and to the prior rights and preferences of the existing outstanding classes of Cumulative Preference Stock. The price to the Company for the Common

Stock will be determined by competitive bidding on the basis of the person or persons offering the highest price to the Company.

According to the Applicant, the purpose for which the Common Stock is to be issued is for the repayment of outstanding long-term promissory notes, which notes were issued to obtain funds for the Company's construction program, principally the construction of a nuclear-fueled generating station near Palo, Iowa, during 1972–1974. (The station was placed in service in June 1974.)

Any person desiring to be heard or to make protest with reference to this Application should on or before May 3, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11428 Filed 4-20-76;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Granting Two Motions for Summary Disposition and Deferring a Third Motion for Summary Disposition

APRIL 12, 1976.

On August 29, 1975, in Docket No. RP76-8, Kansas-Nebraska Natural Gas Company, Inc. (K–N) tendered for filing proposed tariff and jurisdictional rate schedule changes encompassing a $9,890,611 annual rate increase. The Commission on October 10, 1975, accepted these proposed tariff sheets for filing, suspended the increased rates for the full five month statutory period to become effective subject to refund on March 14, 1976, and set the matter for hearing. Subsequently, on January 26, 1976, the Commission ordered the summary disposition and excision from rate base of K–N's construction work in progress, partially consolidated RP76–8 with RP74–11, and rescheduled procedural dates.

Presently before the Commission are three motions for summary disposition of portions of K–N's rate increase, Commission Staff having filed two of these motions and intervenor, Central Kansas Power Company (CKP), having filed one. These will be considered in chronological order of filing.

To begin with, on January 29, 1976, Staff moved the Commission to summarily dispose of K–N's method of functionalizing or allocating administrative and general (A&G) expenses.[1] CKP responded in support of this motion on February 3, 1976. Staff contends that in its recent resolution of K–N's latest rate case[2] the Commission had definitively determined how such A&G expense must be functionalized[3], and it argues that accordingly K–N's differing method must be eliminated at this point because there is no issue of fact and the only legal issue has already been resolved in Opinion No. 731, *supra* note 2. Staff views K–N's direct case in this docket as merely repeating what the Commission has already completely rejected twice. Staff stresses the Commission's judicially approved[4] authority to summarily dispose of issues of law or policy presenting no factual dispute, and it particularly focuses upon the temporal proximity between pronouncement of this Commission ruling in Opinion No. 731, *supra* note 2, and K–N's present rate increase filing, a factor of added significance in supporting a summary disposition.[5] It concludes by asserting that no reason exists for delaying the inevitable refunds on this issue.

K–N filed its answer in opposition to this motion on February 13, 1976. It alleges that its evidentiary presentation in this docket markedly differs from that in RP72–32 where the Commission issued Opinion No. 731, to wit: its Witness Ransom demonstrates that K–N is different from other interstate pipelines in that it has a large distribution activity which allegedly involves more direct labor expense than does pipeline functions. It does concede, however, that its proposed functionalization methodology herein is the same as that rejected by the Commission in Opinion No. 731.

We find that Staff's motion for summary disposition should be granted and that accordingly K–N should be ordered to revise its tariff sheets to reflect functionalization of A&G expenses as per Opinion No. 731. Since K–N has been collecting these increased rates since March 14, 1976, it should also file with the Commission its computation of refund obligation. Summary disposition of this issue is completely warranted. The Commission's ruling on how K–N should functionalize A&G expenses, supra note 3, was fresh in K–N's mind when it disregarded this mandate by filing the instant rate increase on the basis rejected in Opinion No. 731. Clearly, there is no issue of fact, and the only issue, one of Commission ratemaking policy as specifically applied to K–N, has recently been resolved definitively. While K–N attempts to distinguish the two dockets by the presence of a new study on the impact of its distribution business in RP76–8 which was missing in RP72–32, the fact remains that the Commission fully considered K–N's distribution activities in arriving at its conclusion in Opinion No. 731. Therefore, K–N raises a distinction without a difference, and we conclude that summary disposition should be granted for, even when we take all of K–N's direct evidence as true, it is not possible to conceive of an ultimate ruling in its favor on this issue. No prima facie case has been made.

The second motion for summary disposition was filed by CKP on February 6, 1976, and supported by Staff in its response filed on February 20, 1976. CKP seeks the excision from rate base of all gas plant not completed and in service as of January 31, 1976. CKP notes that K–N had sought to add $41,911,833 to gross plant in service, but it then relates a recent discussion at which a K–N official stated that over $17,000,000 of new gathering facilities would not be completed and in service by January 31, 1966, which is the end of the nine month adjusted period after the test period in this proceeding. Citing Commission regulations and precedent[6] CKP requests that any gas plant not completed and in service as of January 31, 1976, be removed from rate base, although it does not specify any particular items of plant.

In answering in opposition to this motion on February 23, 1976, K–N focuses upon the $17,000,000 of gathering facilities. It alleges that a portion of these have been constructed pursuant to temporary certification by the Commission on July 7, 1975, in CP75–57 and that it is waiting for permanent certification so that it can complete construction on the remainder of the gathering facilities.

---

[1] K–N allocates salaries, office supplies and expenses, outside service, and general pensions 50% on the basis of supervised expenditures and 50% on the basis of labor. It allocates workmen's compensation, injuries and field employee pensions on the basis of labor. It then allocates fire and other insurance, miscellaneous general expenses rents, and general plant maintenance on the basis of gas plant in service.

[2] *Kansas-Nebraska Natural Gas Company*, Opinion No. 731, Docket No. RP72–32, issued May 15, 1975, (Slip op. at 45–46); Opinion No. 731–A, order denying rehearing in pertinent part issued September 3, 1975 (Slip. op. at 17). (Staff notes that, while K–N has appealed these orders, it has not sought review of this issue of functionalization of A&G expenses).

[3] The Commission found that salaries, office supplies and expenses, workmen's compensation, third party liability insurance, injuries, damages, employee pensions and benefits and recreational facility operations should all be allocated on the basis of direct labor. It then found that fire and other insurance expenditures and expenditures on general plant maintenance should be allocated on the basis of gas plant in service. Finally, it found that outside services-employees and miscellaneous general expenses should be allocated on the basis of the direct labor and gas plant in service ratios.

[4] *Pennsylvania Gas and Water Company* v. *F.P.C.*, 463 F.2d 1242, 1247 (D.C. Cir. 1972); *e.g., Municipal Light Board of Reading and Wakefield Mass* v. *F.P.C.*, 450 F.2d 1341, 1345–1346 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1971); and *Citizens for Allegan County, Ind.* v. *F.P.C.* 414 F.2d 1125 (D.C. Cir. 1969).

[5] *Panhandle Eastern Pipe Line Company* v. *F.P.C.*, 236 F.2d 606, 608–609 (3d Cir. 1956).

[6] 18 CFR § 154.63(e)(2) and (f); Opinion No. 731, supra, note 2 (Slip Op. at 5); and El Paso Natural Gas Company, Opinion No. 635, 48 FPC 1022 (1972).

On February 25, 1976, CKP replied to K–N opposition, and it states that the initial decision as to which facilities were not completed and in service by January 31, 1976, should be left to K–N.

We find that CKP's motion for summary disposition should be granted and that accordingly K–N should revise and refile its tariff sheets reflecting the excision from its rate base of all facilities not completed and in service by January 31, 1976. In addition it should make all the necessary revisions to its cost of service to reflect any such rate base reductions. As CKP stated, the Commission requires the matching of costs and revenues with rate base, and, since our regulations require costs and revenues to be calculated as of the test period with adjustments for known and measurable changes within nine months of the end of the test period, in this case by January 31, 1976, rate base additions must exclude any facilities not in service by that date. This is standard Commission procedure. K–N has the responsibility of scrutinizing its plant addition to ascertain if any units are not in service by this date. Such a duty is independent of any motion to reject or for summary disposition. Any party may challenge this determination. Of course to the extent that facilities are complete and in service under a temporary certificate, they remain in rate base.

The third and final motion for summary disposition was filed by Staff on February 11, 1976. It seeks the exclusion of tax normalization from K–N's rate increase filing.

In its motion Staff relies upon Order No. 530–A [7] for the ratemaking principle that for a utility to receive normalized treatment for taxes it must at a minimum make a showing of tax deferral, not tax saving. Staff then scrutinizes K–N's tax normalization evidence [8] against this evidentiary standard, concluding that K–N has presented no evidence going to a showing of tax deferral: Specifically Staff argues that, since K–N indicates increased loud and capacity, only a tax savings is possible. Staff concludes by characterizing this as solely a legal issue and by citing judicial and Commission case authority supporting the Commission's power to summarily dispose of such purely legal or policy determinations which present no question of fact.

In its opposition K–N relies primarily upon the argument that it has not been given an opportunity to submit evidence addressing the newly promulgated Order No. 530–A standard of tax deferral since at the time of its filing Order No. 530 [9] was controlling. This order allegedly did not require a showing of tax deferral. K–N concludes by requesting both denial of Staff's motion and also permission to file further evidence addressing the Order No. 530–A standard.

On March 18, 1976, we issued an order which accorded a "Petition . . . For Rehearing Of Order No. 530–A" filed by sixteen (16) public utilities the status of a motion for reconsideration of Order No. 530–A, granted such motion solely for purposes of further consideration, and provided for the filing of responses to said motion. Pending final action on this motion and the responses thereto we shall defer action on Staff's motion and K–N's request to submit additional evidence. Upon issuance of a final order with respect to Order No. 530–A, Staff and/or K–N may submit such motions on the issue of tax normalization as they believe appropriate in light of the Commission's decision.

The Commission further finds: (1) Good cause has been shown to grant Staff's January 29, 1976, motion for summary disposition of the functionalization of A&G expenses issue raised in Docket No. RP76–8.

(2) Good cause has been shown to grant CKP's February 6, 1976, motion for summary disposition of the gross gas plant addition issue raised in Docket No. RP76–8.

(3) The motion for summary disposition of the tax normalization issue raised in Docket No. RP76–8 by Staff on February 11, 1976, should be deferred at this time.

The Commission orders: (A) Staffs' January 29, 1976, motion for summary disposition is hereby granted.

(B) CKP's February 6, 1976, motion for summary disposition is hereby granted.

(C) Staff's February 11, 1976, motion for summary disposition is hereby deferred pending a final Commission order on the motion for reconsideration of Order No. 530–A.

(D) On or before May 24, 1971, K–N will file revised tariff sheets reflecting reduced rates and refunds consistent with our findings in the body of this order and in Ordering Paragraphs (A) and (B) above.

By the Commission.[10]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11423 Filed 4–20–76;8:45 am]

[Docket No. CS72–348]

LYNCO OIL CORP.

Notice of Withdrawal

APRIL 12, 1976.

On April 2, 1976, Lynco Oil Corporation filed a motion to withdraw its Application to amend the Small Producer Certificate of Public Convenience and Necessity filed on November 18, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on May 3, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11424 Filed 4–20–76;8:45 am]

[Docket No. CP76–324]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Application

APRIL 13, 1976.

Take notice that on April 5, 1976, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76–324 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of synthetic natural gas (SNG) sold to Applicant's affiliate, National Fuel Gas Distribution Corporation (Distribution), by Columbia ING Corporation (Columbia LNG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to deliver the SNG purchased from Columbia ING by Distribution from a point of receipt of said gas from Columbia Gas Transmission Corporation to existing points of delivery by Applicant to Distribution. The application states that Applicant would render the proposed service at no charge under proposed Rate Schelule T–1 since Distribution currently purchases gas from Applicant under Applicant's general rate schedule and the cost of service as developed under the general rate schedule includes the cost of operating the facilities which would be used for the proposed transportation service. Applicant notes that it is currently transporting Columbia SNG under authority granted in Docket No. CP73–294.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 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

[7] *Deferred Income Taxes*, Order No. 530–A, Docket No. R–446, order clarifying prior order issued January 19, 1976.

[8] Statement H(3)–6.

[9] *Deferred Income Taxes*, Order No. 350, Docket No. R–446, order issued June 18, 1975.

[10] Commissioner Watt not participating.

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.76-11437 Filed 4-20-76;8:45 am]

[Docket No. ER76-40]

NEVADA POWER CO.

Notice of Postponement of Hearing Date

APRIL 12, 1976.

On April 5, 1976, Nevada Power Company filed a motion to extend the hearing date fixed by order issued October 15, 1975, as most recently modified by notice issued January 16, 1976, in the above-designated proceeding. The motion states that no party objects to the requested postponement.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed from April 13, 1976 to and including May 4, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11421 Filed 4-20-76;8:45 am]

[Docket No. ER76-498]

NEW ENGLAND POWER CO.

Notice of Filing of Motion To Convene a Joint Board

APRIL 13, 1976.

Take notice that on March 18, 1976, Rhode Island Consumers' Council (Consumers' Council) filed a motion in the above-captioned docket requesting the Commisison to order that a Joint Hearing Board be convened pursuant to the authority of Section 209 of the Federal Power Act.

Consumers' Council states that the purpose of the Joint Hearing Board is to meet the need created by gaps between federal and state regulatory processes and that such a Joint Hearing Board under aegis of the Federal Power Commission would permit a thorough regulatory inspection of the NEES System for the first time by persons competent to regulate public utilities. The Consumers' Council proposes that the Joint Board be composed of representatives of the Federal Power Commission and the State Commissions of Rhode Island, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said motion should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 26, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this motion are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11426 Filed 4-20-76;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Notice Deferring Procedural Dates

APRIL 12, 1976.

On March 29, 1976, New England Power Company (NEP) filed a motion to defer the procedural dates set by order issued February 13, 1976, in Docket No. ER76-150.

Notice is hereby given that the procedural dates in the above-entitled matter are deferred pending action by the Commission on the proposed settlement agreement filed by NEP on March 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11423 Filed 4-20-76;8:45 am]

[Docket No. RP73-8 (PGA76-8)]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 13, 1976.

Take notice that North Penn Gas Company (North Penn) on April 8, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective May 1, 1976. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending February 29, 1976, by $689.4 Thousand annually.

North Penn states that the PGA filing was triggered by PGA increases filed by Consolidated Gas Supply Corporation, Tennessee Gas Pipe Line Company and Transcontinental Gas Pipeline Corporation, all to become effective May 1, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on May 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons 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 27, 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.76-11429 Filed 4-20-76;8:45 am]

[Docket No. ER76-599]

NORTHEAST UTILITIES

Notice of Filing

APRIL 13, 1976.

Take notice that on April 2, 1976, Northeast Utilities tendered for filing the following rate schedule materials:

NEPOOL POWER POOL AGREEMENT, dated as of September 1, 1971, as amended, signature page executed by:

Village of Ludlow Electric Light Department.

Northeast Utilities states that the NEPOOL AGREEMENT has previously been filed with the Federal Power Commission as a rate schedule by those public utilities which are signatories thereto and are subject to the Commission's jurisdiction. This filing is made by the secretary of the NEPOOL Management Committee, acting under Section 5.15(d) of the NEPOOL AGREEMENT, on behalf of the Participants under the NEPOOL AGREEMENT which are subject to Commission jurisdiction and on behalf of the Village of Ludlow Electric Light Department (Ludlow), which has signed the NEPOOL AGREEMENT.

It is proposed that service under the NEPOOL AGREEMENT, as related to Ludlow commence on January 1, 1976.

It is requested that the Commission waive its notice requirements and permit participation in NEPOOL by Ludlow to be effective as of January 1, 1976.

Northeast Utilities states that copies of its filing have been mailed to all systems rendering or receiving service under the NEPOOL AGREEMENT and to each of the persons on the Commission's service list in Docket No. E-7690.

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 28, 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.76-11433 Filed 4-20-76;8:45 am]

[Docket No. CP76-4]

NORTHERN NATURAL GAS CO.

Order Vacating Formal Hearing, Issuing Certificate of Public Convenience and Necessity and Allowing Withdrawal of Party Intervenor

MARCH 31, 1976.

On July 3, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CP76-4, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point for Iowa Public Service Company (IPS), in Black Hawk County, Iowa, and the transportation by displacement of gas for IPS, all as more fully set forth in the application.

The additional delivery point for which Northern seeks authority to construct and operate is an additional town border station (TBS) facility located at Waterloo, Iowa. The estimated cost of the proposed new delivery point is $45,000. IPS will reimburse Northern for the total cost of the facilities necessary to provide the new delivery point, including the entire initial installation cost plus any additional costs which may be involved to change or revise the measurement and regulating facilities to meet the design levels for maximum and minimum flow rates.

The natural gas volumes to be provided through the proposed facility will come out of IPS's presently effective contract demand and will provide IPS with gas for liquefaction and storage at its liquefied natural gas (LNG) plant under construction near Waterloo. Gas liquefied and stored would be regasified during the winter months for service of IPS's customers who would otherwise receive gas through the existing Waterloo TBS. Pursuant to a gas transportation contract dated June 10, 1975, between IPS and Northern, Northern proposes to reduce deliveries to IPS at the Waterloo delivery points by that portion of the output of the new LNG plant during the winter season and redeliver equivalent volumes by displacement to IPS at Northern's Sioux City, Iowa, TBS No. 1A, up to a maximum daily volume of 15,000 Mcf per day. The transportation by displacement will become effective on November 27, 1976, and is to provide such an exchange service for that winter, until March 26, 1977, and for each following winter period.

IPS will pay Northern for the transportation of the maximum daily volumes to Sioux City an annual demand charge of $5.01 per Mcf and a commodity charge of 2.12 cents per Mcf. The charges are based on data contained in Volume III of Northern's 1975 General Rate Increase Application in Docket No. RP75-89 filed April 11, 1975. They are derived by computation of the MCF demand-mile and Mcf commodity-mile costs of transporting gas from Palmyra, Nebraska, to Sioux City, Iowa (a distance of 126.75 miles).

After due notice by publication in the FEDERAL REGISTER on July 24, 1975 (40 FR 31040), Michigan Power Company (Michigan Power), IPS and Terra Chemicals International, Inc. (Terra) filed petitions for leave to intervene. No notices of intervention, protests to the granting of the application, or further timely petitions to intervene were filed. Michigan Power purchases gas for distribution from Northern. Michigan Power, while it did not request a formal hearing, indicated that it wished to determine whether Northern would offer similar service to others on a nondiscriminatory basis. Michigan Power also questioned whether the proposed service would result in an increased level of annual sales to IPS.

By order of November 21, 1975, we granted the interventions of Michigan Power as well as that of Terra and IPS.[2] By the same order we stated that because of questions raised by the petitioners and the application, a formal public hearing was necessary. The hearing was set for January 7, 1976, and Northern and any supporting intervenors were required to file a direct case by December 16, 1975. On December 17, 1975, Northern and IPS filed testimony describing the proposed service and addressing the questions raised by Michigan Power. The filings indicate that the total volume sold to IPS would not increase. They also indicated that gas previously used for electric generation would be directed to high priority firm service. Northern stated that such service would be provided for any customer in a similar situation. On December 15, 1975, Michigan Power requested withdrawal of its intervention based on the assurances by Northern that similar service would be offered on a nondiscriminatory basis. We will accordingly grant Michigan Power authority to withdraw from the proceeding.

Northern then filed on December 18, 1975, an application for temporary certification of the project, stating that no party objected to the service and that construction would have to begin immediately in order to enable IPS to meet peak day requirements of high priority customers occurring the 1976-77 heating season. A temporary certificate authorizing the construction of the delivery point was issued on January 8, 1976.

On December 31, 1975, Northern filed a Motion for an Order Cancelling Formal Hearing[3] and for Disposition Under Statutory Hearing Procedures. Northern Stated that neither Terra nor the Staff had objection to such motion. Because the testimony filed has answered questions raised by intervenors, and because such intervenors have either stated no objection or requested withdrawal of intervention, we find that is in the public interest to grant this motion. We further find that the proposed service is in the public convenience and necessity.

[2] By Petition filed on December 8, 1975, Iowa Power and Light Company (Iowa Power) requested leave to intervene out of time. On December 24, 1975, Iowa Power withdrew its petition.

[3] By notice issued January 5, 1976, the Secretary cancelled formal hearings.

At a hearing held on March 30, 1976, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds: (1) It is in the public convenience and necessity to allow Michigan Power Company to withdraw as an intervenor in this proceeding.

(2) It is in the public convenience and necessity to grant the December 31, 1975, motion of Northern for "Disposition Under Statutory Procedure."

(3) Applicant, Northern Natural Gas Company, a Delaware corporation, having its principal place of business in Omaha, Nebraska, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of April 6, 1943, in Docket No. G-280 (3 FPC 967).

(4) The facilities to be constructed, as hereinbefore described and as more fully described in the application in this proceeding, are proposed to be used in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof and the transportation of natural gas by Northern are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(5) Northern is able and willing to properly do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(6) The construction and operation of the proposed facilities and the transportation of natural gas by Northern are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) Michigan Power is permitted to withdraw as an intervenor in this proceeding.

(B) Our Order of November 21, 1975, setting formal hearing is vacated.

(C) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Northern to construct and operate facilities and to transport natural gas, as hereinbefore described and as more fully described in the application in this proceeding.

(D) The certificate granted by paragraph (C) above and the rights granted thereunder are conditioned upon Northern's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (c)(4), (e) and (f) of Section 157.20 of such Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11411 Filed 4-20-76;8:45 am]

[Dockets Nos. CI76-3, CI76-196, CP76-76]

SHELL OIL AND SOUTHERN NATURAL GAS CO.

Order Granting Temporary Certificates of Public Convenience and Necessity, and Accepting Rate Schedules for Filing

APRIL 12, 1976.

Shell Oil Company (Shell) requests permanent certificates to initiate sales from Block 76, Grand Isle Area, Gulf of Mexico, Federal Domain, to Southern Natural Gas Company (Southern) and Florida Gas Transmission Company (Florida) in Docket Nos. CI76-3 and CI76-196, respectively, at the national rate established in Opinion No. 699-H (52.0¢ per Mcf at 14.73 psia subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 0.5¢ per Mcf) in lieu of the base contract rates of $1.44 per Mcf at 15.025 psia (Southern) and $1.63 per Mcf at 15.025 psia (Florida). Monthly deliveries to Southern are estimated to be $1,500,000 Mcf while monthly deliveries to Florida are estimated to be 500,000 Mcf.

By letter filed December 19, 1975, Shell stated that it has installed a two-phase pipeline and appurtenances to gather gas from Grand Isle Block 76 to West Delta Block 133. Shell has also installed facilities on the West Delta Block 133 platform to separate liquids and gas and to treat the gas to pipeline quality. Shell's contract with Southern provides that subject to Southern's obtaining any necessary governmental authorization, from and after the date on which there are determined to be at least 500,000,000 Mcf of reserves covered by the October 3, 1966, contract currently on file as Shell's Rate Schedule No. 345, Southern will do one of the following:

Docket No. CI76-3, *et al.*

(a) if Shell is paying any tariffs or fees to another party for the transportation of the subject gas from Grand Isle Block 76 to West Delta Block 133, Southern will reimburse Shell for the full amount of such tariffs or fees during the remaining term of the contract; or

(b) if Shell is the sole or partial owner of the facilities used to transport the gas to West Delta Block 133 and if such facilities were constructed to conform to all laws, rules, and regulations, which would have applied if Southern had constructed such facilities, Southern will purchase from Shell up to an undivided 50 percent interest at Shell's then-depreciated cost.

Shell owns 66⅔ percent of the working interest in Block 76 and has committed 75 percent of such interest to Southern and 25 percent to Florida. Florida Gas Exploration Company (Exploration) owns 12.5 percent of the working interest in Block 76 and filed an application in Docket No. CI76-305 to sell gas attributable to its interest to Florida.[1]

On September 8, 1975, Southern filed in Docket No. CP76-76 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas for Florida from offshore to onshore Louisiana, all as more fully set forth in the application. Southern and Florida Gas have entered into a transportation agreement, dated August 26, 1975, under the terms of which Southern is to transport approximately 37,500 Mcf of gas per day for Florida from a point of receipt from Shell in West Delta Block 133, offshore Louisiana, for redelivery to Florida at an existing interconnection between the facilities of Southern and Florida near Franklinton, Washington Parish, Louisiana. The purpose of the proposed transportation service is to enable Florida to receive into its system gas which it will purchase from Shell and from Exploration produced from Grand Isle Block 76. Additionally, Southern will receive at West Delta Block 133 gas which it will purchase from Shell for its own account. In order to effectuate the proposed transportation service, as well as to permit the receipt of an additional 37,500 Mcf of gas per day from Shell for its own account, Southern proposes to modify its existing facilities at the West Delta Block 133 at an estimated cost of approximately $64,000.

On November 21, 1975, January 26, 1976, and February 12, 1976, the Commission issued orders in the consolidated proceeding, Natural Gas Pipeline Company of America, et al., granting temporary and permanent certificates and setting a formal hearing on offshore sales and projects in the Federal Domain, Gulf of Mexico. No formal hearing will however, be provided for in this proceeding with respect to said applications as the formal hearing in that proceeding previously provided to commence on April 20, 1976, was suspended by notice issued March 24, 1976.

Shell's May 7, 1975, contract for the Block 76 reserves limits the dedication to specified sands existing within the stratigraphic interval between measured depths of 3,200 feet and 9,450 feet and underlying the southern three-fourths of Block 76.

In view of the national shortage of natural gas and the declining gas reserves of interstate pipeline, the Commission by order issued June 3, 1975, in Getty Oil Company, et al., in Docket No. CI75-319, et al., directed that a formal hearing be held to resolve similar issues of depth limitations and limitation on the term of the sale.

The order of June 3, 1975, in Docket Nos. CI75-319, et al., (p. 1) states:

> This proceeding involves issues of limitations in gas sales contracts, between independent producers and an interstate pipeline, for natural gas to be produced and sold from leases in the Federal Domain in the Gulf of Mexico, proposed to be certificated by the Federal Power Commission and accepted for filing.
>
> The producer gas sales contracts would limit dedications to the base of defined producing formations for a limited term. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission directs a formal hearing on these issues. Applicants shall, inter alia, in their evidence address the question of whether the dedication of gas reserves to be connected from Federal Domain leases should not include all of the commercially producible gas reserves from the surface to the limit of the well bore.

Producer herein has proposed contracts containing depth limits. By the order issued in Natural on November 21, 1975, the Commission stated:

> Cases * * * decided under the Natural Gas Act, lead to the finding that when the Commission certificates a sale by a producer, and the gas begins to flow under the certificated authority, the certificated service authority is binding on both seller and buyer until such time as the Commission authorizes a change in the certificated service. The authorized service integrates the duty to continue to make the sale regardless of any contractual provision to the contrary. [Footnote omitted.]

By our order issued June 3, 1975, in Getty Oil Company, et al., Docket No. CI75-319, et al., the Commission directed that a formal hearing be held to resolve issues of limitations and reservations. With respect to the new natural gas producer dockets hereinabove described, we will issue temporary certificates thereby permitting gas sales to commence. However, in lieu of providing for a formal hearing in this proceeding for adjudication of the issues raised by the contracts for the sale of gas, we hereby notify the gas producer that it may accept a temporary certificate pending our final decision in Getty Oil Company, et al., supra. Subsequent to the issuance of our final order in the Getty proceeding, should Shell determine that a formal hearing is necessary, it may then submit the appropriate filings with the Commission within thirty (30) days thereof. Attached to the issuance of a temporary certificate to Shell is a revised form of Order No. 539-A condition. The temporary certificate may be accepted within 30 days with the revised Order No. 539-A language. If Shell is unwilling to accept the conditioned temporary certificate, formal hearing will be scheduled in the future on, inter alia, the Order No. 539-A condition.

The applicant in this proceeding will have full rights under Section 19 of the Natural Gas Act relative to this order or orders which subsequently are issued in these proceedings. Commencement of service will not prejudice said Applicants' legal rights to espouse whatever position desired before the Commission or courts.

The Commission finds: (1) Southern Natural Gas Company and Shell Oil Company are "natural-gas companies" within the meaning of Natural meaning of the Natural Gas Act, as heretofore found by the Commission.

(2) The facilities hereinbefore described, as more fully described in the application in this proceeding are to be used in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof and the proposed transportation of natural gas

[1] Docket No. CI76-305 will be acted upon separately.

are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities and the proposed transportation of natural gas are required by the public convenience and necessity and temporary certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) A temporary certificate of public convenience and necessity issued authorizing Southern Natural Gas Company to construct and operate the proposed facilities and to transport natural gas as more fully described in the application in this proceeding, upon the terms and conditions of this order.

(B) The temporary certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Southern's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154 and in paragraphs (a), (c)(3), (c)(4), (e), (f) and (g) of Section 157.20 of such Regulations.

(C) The proposed facilities authorized herein shall be constructed and placed in actual operation and the proposed transportation of natural gas authorized by paragraph (A) above shall commence, as provided by paragraph (b) of Section 157.20 of the Commission's Regulations, within 30 days from the date this order issues. Transportation of gas for Florida is subject to issuance and acceptance of authorization in Docket No. CI76–305.

(D) The authorization granted herein to Southern is subject to acceptance of temporary certificates by Shell and the ultimate determination of the related producer applications pending in Docket Nos. CI76–3, CI76–196 and CI76–305.

(E) The proposed transportation rate to be filed by Southern shall be subject to refund and to the ultimate determination of Southern's pending rate proceeding in Docket No. RP75–84.

(F) Transportation of gas by Southern for Florida of its proposed purchase from Shell is granted, subject to the term and conditions of this order.

(G) The rate schedules related to the authorizations granted herein are accepted filing to become effective on the date of initial delivery. Shell shall advise the Commission of said date within 10 days thereof.

The rate schedules have been designated as follows:

Description	*Designation*
Contract 5–7–1975	Shell Oil Company R. S. 408
Contract 8–21–1975	Shell Oil Company R. S. 409

Acceptance of the rate schedule of Shell herein pursuant to temporary authorization does not constitute Commission approval of the contractual reservations or limitations involved pending resolution of the matter on the merits after hearing, decision, and court review, if any.

(H) Based upon the need for additional natural gas supplies, the Commission finds that an emergency exists and temporary certificates are hereby issued to Shell pursuant to Section 7 of the Natural Gas Act authorizing the sale of natural gas to Southern and Florida, as herein conditioned and ordered, in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rate or the national base rate of 52.0¢ per Mcf (14.73 psia) subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 per Mcf gathering allowance, subject to conditions stated herein. These temporary certificates are expressly conditioned as to the outcome of the final order in Docket No. CI75–319, et al., Getty Oil Company, et al., with respect to certificates issued to producers therein, unless Shell request a separate proceeding on its respective application in lieu of petitioning to intervene in Getty, supra, in accordance with Paragraph (P) below.

(I) Shell's acceptance or rejection of the temporary certificates shall be filed within 30 days of the date hereof. If accepted, the temporary certificate shall be effective upon the date of receipt of the acceptance by the Secretary. Service under the temporary certificate shall commence within 30 days from the date of completion of the facilities by the purchaser. Such service shall be continued unless or until abandonment authorization is granted pursuant to Section 7(b) of the Natural Gas Act, whether the contract term has expired or not. The issuance of a temporary certificate and the acceptance of the rate schedule are without prejudice to such final disposition of the application for certificate as the record may require.

(J) Southern will be required to file an appropriate application to acquire the facilities of Shell previously described. If Shell at any time elects to use the Grand Isle Block 76 reserves to satisfy the October 3, 1966, warranty contract with Southern, Shell shall collect the authorized rate then in effect under the October 3, 1966, warranty contract as amended for sales from Grand Isle Block 76 for sales made on and after the date of such election.

(K) Section 154.93 of the Regulations under the Natural Gas Act is hereby waived to permit the inclusion in Shell's rate schedules of the contractual provision for rate increases to a higher area rate found to be proper by hearing, rulemaking or a Commission approved settlement and the reimbursement by buyer of any excess royalty payments. Any rate increase based on the excess royalty provision is subject to rejection.

(L) The certificates issued herein and the rights granted thereunder are not eransferable and shall be effective only so long as Applicants continue the acts or opertations hereby authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission.

(M) The grant of the cerificates issued herein shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been, or which may hereafter be made by the Commission in any proceeeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates herein for service to the particular customers involved shall not imply approval of the terms of the contracts, particularly as to the cessation of service; termination must be pursuant to Section 7(b) of the Natural Gas Act. The grant of the certificates herein shall not be construed to preclude the imposition of any sanctions pursuant to provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificates.

(N) Certificates issued by this order to a natural gas producer and gas begins to flow under such authority makes the certificate service authority binding on both seller and buyer until such time as the Commission authorizes a change in the certificated service regardless of anyn contractual provisions to the contrary, provided, however, the applicant in this proceeding will have full rights under Section 19 of the Natural Gas Act relative to this order or orders which subsequently are issued in these proceedings. Commencement of service will not prejudice said Applicants' legal rights to espouse whatever position desired before the Commission or courts.

(O) Applicant natural gas company's attention is directed to Commission Order No. 539, issued October 14, 1975, 40 FR 49571, and to the provisions of Section 2.83 General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. An original reserve estimate or any redetermination thereof, submitted pursuant to Section 2.83(d) will be maintained by the Commission on a confidential basis and will be made public only after due notice to all interested parties. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization; (2) shall be without regard to

any contractual reservations contrary to the certificate authorization; (3) and shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, inter alia, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that Applicant, if it has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

The foregoing language will be inserted in any temporary or permanent certificate issued after the effective date of Order No. 539, unless at the time of filing such certificate application, or within the time fixed in the notice of application for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition, in which event the application will be set for formal hearing to determine, inter alia, whether any grant of certificate shall be so conditioned.

(P) Shell may file within 15 days of this order a petition for leave to intervene in the proceeding in Docket No. C175–319, et al., Getty Oil Company, et al., which petition we will subsequently grant.

(Q) The certificates issued in paragraph (I) shall be void and without force or effect unless accepted in writing by Applicants within 30 days from the issue date of the order issuing such certificates; *Provided, however,* that if an application for rehearing of such order is filed in accordance with Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed; *Provided, further,* that when a petition for review is filed in accordance with the provisions of Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11442 Filed 4–20–76;8:45 am]

[2] Commissioner Watt, concurring in and dissenting in part, filed a separate statement which is filed as part of the original document.

[Docket No. CP76–317]

TENNESSEE GAS PIPELINE CO.

Notice of Application

APRIL 12, 1976.

Take notice that on March 31, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76–317 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of an undivided one-half interest in certain compressor and related facilities on the existing producer platform in Block 342, Eugene Island Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to acquire an interest in the 2,700 horsepower compressor unit and appurtenances on the producer platform, which platform is jointly owned by Tenneco Oil Company (Tenneco) and Texaco Inc. (Texaco) and operated by Texaco. Applicant proposes to pay one-half of the expenses incurred by Texaco in the operation and maintenance of such facilities.

The application states that Tenneco and Texaco each own a fifty percent leasehold interest in the gas reserves underlying Block 342. Texaco, as the designated operator for the owners, is said to be responsible for decisions regarding the drilling of additional wells, the installation of compression, etc., which it deems necessary in order to maintain maximum efficient production from Block 342. Further, as operator, Texaco is said also to be responsible for the operation and maintenance of all such facilities, whether performed by itself or by others. As joint owner Tenneco is said to be obligated to furnish 50 percent of the capital necessary for any facilities installed for such compression and of the expenses incurred by Texaco as operator of such facilities.

Applicant states that Texaco has determined that compression on the platform would be required at the outset to produce against the line pressure required by pipeline purchasers for the gas to enter the pipelines' systems. Accordingly, Texaco is said to have installed and is said to be operating a 2,700 compressor unit on the platform.

Applicant recites that 75 percent of Tenneco's 50 percent interest in the Block 342 reserves is committed to Applicant under a contract which is the subject of certificate authorization in Docket No. CI75–348. Said contract is said to provide that Applicant is obligated to furnish compression facilities necessary to cause pressure-deficient gas to be delivered into Applicant's pipeline; thus the investment which Applicant proposes is equal to a 50 percent interest in the compressor unit, which investment would otherwise be required to be made by Tenneco. Applicant states that the compression will permit significant volumes of gas to be delivered into Applicant's system that would not otherwise be available.

Applicant's 50 percent share of the direct cost of the compressor facilities is estimated to be approximately $993,000. Applicant would finance this amount with general funds of the company and/or borrowings under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 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 Commisison 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.76–11418 Filed 4–20–76;8:45 am]

[Docket No. CP75–265]

TENNESSEE GAS PIPELINE CO. AND UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

APRIL 12, 1976.

Take notice that on April 1, 1976, Tennessee Gas Pipeline Company, a Division

of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP75-265 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act by authorizing Petitioners to exchange natural gas at an additional point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioners state that by the order issued in the instant docket they are authorized to exchange natural gas at certain specified points of delivery pursuant to an agreement on file as United's Rate Schedule X-60 and Tennessee's Rate Schedule X-45. Petitioners now seek authorization to exchange natural gas at an additional point for the delivery of up to 5,000 Mcf of gas per day to United for the account of Tennesseee, which gas would be delivered to Tennessee at existing points of exchange. The additional delivery point is said to be at a mutually agreeable point on United's 14-inch pipeline in Panola County, Texas.

Petitioners request authorization to exchange gas at the additional point in order to permit Tennessee to receive gas produced by Tenneco Oil Company in the Bethany Field, Panola County. They state that on March 10, 1976, Tenneco filed an application in Docket No. CI75-466 for authorization to deliver this gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11420 Filed 4-20-76;8:45 am]

[Docket No. CP76-318]

TENNESSEE GAS PIPELINE CO.

Notice of Application

APRIL 12, 1976.

Take notice that on March 31, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-318 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchasing of three 1,100 housepower compressor units and related facilities presently situated on the existing producer "B" platform in Block 281, East Cameron Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the platform on which the subject facilities are located is jointly owned by Tenneco Oil Company (Tenneco) and Texaco Inc. (Texaco) and operated by Tenneco. Applicant proposes to reimburse Tenneco for all expenses incurred in the operation and maintenance of such facilities. The application notes that Tenneco and Texaco each own a 50 percent leasehold interest in the gas reserves underlying Block 281 and that Tenneco, as designated operator for the owners, is responsible for decisions regarding the drilling of additional wells, the installation of compression, etc., which it deems necessary in order to maximize production from Block 281. Further, as operator, Tenneco is said also to be responsible for the operation and maintenance of all such facilities, whether performed by itself or by others; and Texaco, as joint owner-producer, would be obligated to furnish 50 percent of the capital necessary for any facilities installed and expenses incurred by Tenneco as operator.

The application recites that the interests of Tenneco and Texaco in the Block 281 reserves are each committed to Applicant under contracts which are the subject of certificate applications in Docket Nos. CI75-746 and CI76-74, respectively. Said contracts are said to provide that Applicant is obligated to furnish the compression facilities necessary to cause pressure-deficient gas to be delivered into Applicant's pipeline. Applicant states that Tenneco, as operator, has determined that compression on the "B" platform would be required at the outset to produce against the line pressure required by Applicant for the gas to enter Applicant's system and that Tenneco has installed and is operating the three compressor units on the platform. Applicant asserts that the installed compression will permit significant volumes of gas to be delivered into Applicant's system that would otherwise not be available.

Applicant proposes to acquire full ownership of the compressor units, the investment in which would otherwise be required to be borne equally by Tenneco and Texaco. The direct cost to Applicant is estimated to be $2,563,500, which Applicant proposes to finance initially with general funds and/or borrowings under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 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.76-11422 Filed 4-20-76;8:45 am]

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting and Approving Settlement Agreements

APRIL 12, 1976.

On December 15, 1976 Virginia Electric and Power Company (VEPCO), the Cooperative customers,[1] and ElectriCities of North Carolina[2] filed a joint motion for approval of two separate settlement agreements. Notice of the filing was issued on December 29, 1975 with comments due on or before January 12, 1976. Commission Staff filed comments which supported the settlement agreements. In addition the Commission has reviewed various pleadings urging expedition in the consideration of the proposed settlements.

Docket No. E-9147 was initiated on December 2, 1974 (as supplemented on December 23, 1974) when VEPCO tendered for filing with the Federal Power Commission proposed changes to its FPC Electric Tariff, Original Volume Nos. 1 and 2, applicable to Resale Municipalities and Private Utilities, proposed changes in its electric resale rate schedule applicable to Resale Municipalities and Private Utilities, and proposed changes in its electric resale rate sched-

[1] Old Dominion Electric Cooperative, Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation and Roanoke Electric Membership Corporation, representing all of VEPCO's cooperative customers.

[2] Representing all of VEPCO's municipal customers with the exception of the Town of Elkton, Virginia.

ule applicable to electric Cooperatives. Notice of VEPCO's filing was issued on December 5, 1974 with protests and comments due on or before December 23, 1974. In response to this notice, ElectriCities of North Carolina (ElectriCities) and a group of Cooperatives separately filed Motions to Intervene and Reject on December 23, 1974. On January 6, 1975, VEPCO filed answers to each of the intervenors pleadings.

By order issued January 22, 1975, the Commission accepted the proposed rate increases for filing as of December 23, 1974, and suspended it for thirty days, the use thereof to be deferred until February 21, 1975, subject to refund. In addition the Commission established a Phase II in this docket to consider certain anti-competitive allegations of ElectriCities against VEPCO (excluding price-squeeze issues).

Direct testimony has been filed by VEPCO, the intervenors both jointly and separately, and the Commission Staff in Phase I. No rebuttal testimony has been filed because the parties have been involved in settlement negotiations.

The settlement negotiations have resulted in the execution of the two documents offered for the Commission's approval: "Settlement Agreement Between Virginia Electric and Power Company and Wholesale Cooperative Electric Customers" ("Cooperative Agreement") and "Settlement Agreement Between Virginia Electric and Power Company and Wholesale Municipal Electric Customers" ("Municipal Agreement"). For the Cooperative customers, the settlement increase would reduce the rate increase from a proposed $12.6 million on a 1975 estimated test year basis to $7.85 million. For the Municipal customers the settlement agreement would reduce the rate increase from a proposed $8.1 million on a 1975 estimated test year basis to $5.17 million. Both agreements contain a moratorium provision, with certain exceptions, which restricts the right of the company to collect rates in excess of the settlement rates before February 21, 1977.

The settlement agreement between VEPCO and the Cooperative customers resolves all outstanding issues between the parties while the agreement between VEPCO and the ElectriCities resolves only Phase I issues.

In addition to the provisions outlined above the settlement agreements provide that:

(1) Refunds will be paid together with interest calculated at 9% per annum;

(2) A settlement cost of service has been established as set out in Appendix A for the Cooperatives and Appendix B for Municipals;[3]

(3) The exceptions to the moratoria are (a) the filing of a new fuel adjustment clause to conform with Section 35.14 of the Commission Rules and Regulations; (b) the filing by VEPCO to recover accumulated deferred fuel expenses; (c) a filing to comply with any rulemaking requiring a change in rate structure; (d) a filing to effect a change after a decision under Section 206 of the Act; and (e) a filing by mutual consent. The customers reserve the right to challenge the amount or validity of the proposed recovery of such deferred fuel expenses;

(4) The agreement with the Cooperatives provides for a demand ratchet of 75%.

Review of the proposed settlement agreements shows them to be just and reasonable and accordingly acceptable in the public interest.

The Commission finds: The settlement agreements tendered herein should be accepted and approved.

The Commission orders: (A) The proposed settlement agreements are hereby approved, accepted, and incorporated herein by reference.

(B) VEPCO shall file within 30 days rate schedules appropriate to reflect terms of the proposed settlement agreements, to be effective February 21, 1975.

(C) VEPCO shall refund within 30 days after compliance rate schedules are accepted for filing, all amounts collected in excess of the settlement rates with interest at 9% per annum.

(D) VEPCO shall file a compliance report within 15 days after refunds have been made, such report to show monthly billing determinants and revenues by customer under prior, present and settlement rates. The report shall also show for each customer, the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with summaries of such information by rate class for each month, for each successive twelve-month period commencing with the effective date under the settlements, and for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, VEPCO, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against VEPCO or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[3] The settlement rate of return is shown in Appendix C.

APPENDIX A.—VIRGINIA ELECTRIC AND POWER COMPANY

ELECTRIC UTILITY—WHOLESALE RATE OF RETURN ANALYSIS FOR SETTLEMENT RATE 1975 TEST YEAR

Cooperative Customers

Rate base	$110,195,000
Revenue from proposed rate	49,749,000
Cost of service operating expense before income tax	38,511,000
Income tax	1,298,000
Return	9,940,000
Rate of return (percent)	9.02

APPENDIX B.—VIRGINIA ELECTRIC AND POWER COMPANY

ELECTRIC UTILITY—WHOLESALE RATE OF RETURN ANALYSIS FOR SETTLEMENT RATE 1975 TEST YEAR

Municipal Customers

Rate base	$75,822,000
Revenue from proposed rate	34,893,000
Cost of service operating expense before income tax	27,162,000
Income tax	892,000
Return	6,839,000
Rate of return (percent)	9.02

APPENDIX C—*Settlement capitalization*

Class of capital	Amounts (in thousands)	Capital ratios	Percent cost or allowance	Percent weighted return
Long-term debt	$1,758,350	50.57	7.46	3.77
Preferred stock	506,447	14.57	7.74	1.33
Deferred taxes (281)	19,320	.56	0	0
Common equity	1,192,677	34.30	12.00	4.12
Total	3,476,794	100.00		9.02

[FR Doc.76-11419 Filed 4-20-76;8:45 am]

NATIONAL GAS SURVEY, EXECUTIVE ADVISORY COMMITTEE SUBGROUP

Meeting

Meeting to be held in Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on May 18, 1976, 9:00 A.M.

Presiding: The Honorable Richard L. Dunham, Chairman, Federal Power Commission.

I—Call to Order and Introductory Remarks—Chairman Dunham.

II—What should we be doing?

Presentation of critical issues—S. William Yost, Chief, Bureau of Natural Gas.

Committee discussion of critical issues.

III—What are we doing?

Relationship of current tasks to critical issues presented—Frederick W. Lawrence, Director of National Gas Survey.

Committee discussion.

IV—Where do we go from here?—Chairman Dunham.

Committee discussion topics:

Is there need for an advisory function to the FPC?

Can an advisory committee effectively address the critical issues in a meaningful way?

Is the National Gas Survey an effective vehicle for advice to the FPC? Can it become so?

Should the National Gas Survey be continued?

Is another vehicle needed?

V—Do we need to meet again?—Chairman Dunham.

VI—Adjournment — Chairman Dunham.

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.

NATIONAL GAS SURVEY
EXECUTIVE ADVISORY COMMITTEE SUBGROUP
MEMBERSHIP LIST

Dr. Morris A. Adelman, Professor of Economics, Massachusetts Institute of Technology, Cambridge, Massachusetts 02139.
Mr. William M. Elmer, Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301.
Mr. Alfred E. Kahn, New York Public Service Commission, 44 Holland Avenue, Albany, New York 12208.
Dr. Henry R. Linden, Institute of Gas Technology, 3424 South State Street, Chicago, Illinois 60616.
Mr. Frank Pollara, AFL–CIO, 815 16th Street, NW., Washington, D.C. 20006.
Mr. Paul Reichardt, Washington Gas Light Company, 1100 H Street NW., Washington, D.C. 20005.
Dr. John J. Schanz, Jr., Resources for the Future, Inc., 1755 Massachusetts Avenue NW., Washington, D.C. 20036.
Mr. John S. Shaw, Jr., Southern Natural Gas Company, Birmingham, Alabama 35202.
Mr. John E. Swearingen, Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago, Illinois 60680.
Mr. Joseph C. Swidler, 815 Connecticut Avenue, NW., Washington, D.C. 20006.
Mr. Lee C. White, 1156 15th Street, NW., Washington, D.C. 20005.
Ms. Ellen Winchester, Sierra Club, 2405 Del Gado Drive, Tallahassee, Florida 32304.

[FR Doc.76–11528 Filed 4–20–76;8:45 am]

NATIONAL GAS SURVEY, SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS STUDY SUBGROUP III: LIQUID BASED SUBSTITUTE GAS

Meeting

Meeting to be held in Conference Room 6200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, on May 17, 1976, 10:30 A.M.

Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative and Secretary, National Gas Survey.

1—Call to Order—Mr. Michael C. Bachman.

2—Review of Submitted Materials—Mr. Gordon Gooch, Baker & Botts, Washington, D.C.

3—Discussion to Outline Final Narrative of Subgroup III—Mr. Gordon Gooch.

4—Assignment of Additional Work to Task Force Members—Mr. Gordon Gooch.

5—Discussion of Other Matters.

6—Adjournment—Mr. Michael C. Bachman.

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.76–11527 Filed 4–20–76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 14, 1976. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before May 10, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension no change clearance of Television Broadcast Program Logging Rules. Television broadcasters are required by Section 73.669 and 73.670 of FCC Rules and Regulations to maintain a program log containing entries for each program, for commercial matter, for public service announcements, and other announcements. Data is extracted from these logs for the composite week reported to the FCC by means of FCC Form 303–A, Annual Programming Report. There are 764 television broadcasters required to maintain these program logs. Respondent burden could vary from 4,160 to 7,384 hours annually depending upon length of broadcast time, size of station, and station affiliation.

FCC requests an extension no change clearance of Form 330–P, Application for Authority to Construct or Make Changes in an Instructional Television Fixed and/or Response Station(s) and Low Power Relay Station(s). This form is required to be filed when applying for authority to construct a new instructional television fixed and/or response station(s) or to make changes in an existing station pursuant to Sections 1.533(a)(5) and 74.951 (a) of the FCC Rules and Regulations. Respondent burden could vary from one hour if the applicant is filing a simple modification to one thousand hours if the applicant is applying for a new system which requires an engineering analysis as well as legal and financial data. Potential respondents are 190 station operators.

FCC requests an extension no change clearance of Form 325, Annual Report of Cable Television Systems. This form is required to be filed annually for each cable television system as prescribed by Section 76.401 of FCC Rules and Regulations. In addition, this form is required to be filed with each application for a certificate of compliance for a cable television system as prescribed by Section 76.13(a)(2). FCC Form 325 consists of four schedules. One Schedule 1 must be filed for each community; one Schedule 2 must be filed for each distribution system; one Schedule 3 must be filed for each business; and one Schedule 4 must be filed for each controlling person in the business. There are 2500 cable television system operators who file FCC Form 325 annually. FCC estimates respondent burden could vary from 10 minutes to one hour for Schedule 1; 10 minutes to one hour for Schedule 2; 10 minutes to 8 hours for Schedule 3; and 10 minutes to 8 hours for Schedule 4; depending upon the physical complexity of the distribution system and the corporate structure.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–11501 Filed 4–20–76;8:45 am]

UNITED STATES INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–19]

GLASS FIBER OPTIC DEVICES AND INSTRUMENTS EQUIPPED WITH GLASS FIBER OPTIC DEVICES

Notice and Order for Filing Exceptions

Notice is hereby given that:

1. On Monday, March 8, 1976, Administrative Law Judge Myron R. Renick, Presiding Officer, issued a "Recommended Order Terminating the Investigation" (hereinafter, Recommended Order) in this matter, recommending that the Commission grant the Joint Motion of Complainant (ACMI) and Respondent (Olympus) to terminate this investigation (U.S. International Trade Commission Docket No. M–168). Copies of Judge Renick's Recommended Order, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Not later than the close of business Friday, April 23, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions to the Recommended Order and alternatives to the Presiding Officer's recommendations. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in sec. 201.8 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 201.8.

3. Briefs may be filed concerning exceptions and alternatives to the Recommended Order. Such briefs shall be in form and number as set forth in section 201.8 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 201.8, and in addition, be of no more than 25 pages. Such briefs shall be filed no later than Friday, April 30, 1976. If no exceptions or alternatives are received pursuant paragraph 2 of this Notice and Order, the Commission may act on the Recommended Decision without waiting for briefs.

4. This Notice and Order shall be published in the FEDERAL REGISTER and served upon the Department of Health, Education, and Welfare, the Department of Justice, the Federal Trade Commission, and each of the parties to this investigation. The original Notice of instituting this investigation was issued August 22, 1975, and thereafter published in the FEDERAL REGISTER, 40 FR 38191.

By order of the Commission.

Issued: April 15, 1976.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-11447 Filed 4-20-76;8:45 am]

[Investigation No. 337-TA-22]

RECLOSABLE PLASTIC BAGS

Order Postponing Prehearing Conference

Pursuant to Complainant Minigrip's Withdrawal of its Request for a Temporary Exclusion Order (Motion Docket No. 22-4), in which Complainant requested a rescheduling of the prehearing conference in order to permit additional time for developing proofs to support its request for an Exclusion Order, the Prehearing Conference which was noticed for Tuesday, April 20, 1976, is hereby postponed.

A new date for the Prehearing Conference in this Investigation will be set after further consultation with the parties.

Issued April 15, 1976.

The Secretary shall serve a copy of this Order upon all parties of record, and shall publish this Order in the FEDERAL REGISTER.

[SEAL] JUDGE MYRON R. RENICK, *Presiding Officer.*

[FR Doc.76-11446 Filed 4-20-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-32)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS

Meeting

The NASA Research and Technology Advisory Council Panel on Aviation Safety and Operating Systems will meet on May 11-13, 1976, at the NASA Dryden Flight Research Center, Edwards, California 93523. The meeting will be held in the Conference Room of the Administration Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the Receptionist in the Administration Building Lobby.

The NASA Research and Technology Advisory Council's Panel on Aviation Safety and Operating Systems serves in an advisory capacity only. The current Chairman is Mr. Franklin W. Kolk. There are 20 members. The following list sets forth the approved agenda and schedule for the May 11-13, 1976 meeting of the Panel. For further information, please contact the Executive Secretary, Mr. Kenneth E. Hodge, area code 202/755-2375.

MAY 11, 1976

Time	*Topic*
8 a.m.	Registration of Members and Visitors.
8:30 a.m.	Chairman's Opening Remarks and Report (Purpose: To report on the November 1975 meeting of the Research and Technology Advisory Council (RTAC) and to relay the Council's response to this Panel's activity.)
9 a.m.	Report of Executive Secretary (Purpose: To advise the Panel of recent NASA organizational and policy changes, to provide appropriate information on the FY 1977 program budget, and to report on action taken to date on past recommendations of the Panel.)
9:30 a.m.	Report of the Aviation Safety Reporting System (ASRS) Advisory Subcommittee (Purpose: The ASRS Subcommittee Chairman will brief members on the current status of the ASRS and invite discussion.)
10:15 a.m.	Report of Ad Hoc Panel on Terminal Configured Vehicles (Purpose: The Chairman of the Ad Hoc Panel will report on highlights of the September 1975 meeting.)
11 a.m.	Report on the NASA Wake Vortex Alleviation Symposium (Purpose: To report highlights of presentations and discussions which occurred at the symposium.)
11:30 a.m.	Report on NASA's Aeronautical Meteorology Research Planning (Purpose: To inform the Panel of actions resulting from the planning efforts directed at insuring adequacy and relevance of NASA's aviation meteorology research.)
1 p.m.	Discussion of Supersonic Cruise Aircraft Research (SCAR) Program (Purpose: To bring members up to date on the SCAR program and allow an opportunity for Panel discussion of the options for directions of this effort in the future.)
1:45 p.m.	Status Report on Lewis Research Center (LeRC) Research of Interest to the Panel (Purpose: To present selected research highlights from the Atmospheric Sampling and Engine Research programs.)
2:30 p.m.	Status Report on Ames Research Center (ARC) Research of Interest to the Panel (Purpose: To report on visual requirements research and delayed flap approach research.)

MAY 12, 1976

8 a.m.	Discussion of Panel Expansion and New Terms of Reference (Purpose: To explain the rationale used in broadening the membership of the Panel and minor changes in the terms of reference for its operation and to discuss options for fulfilling the Panel's functions.)
9:30 a.m.	Status Report on Langley Research Center (LaRC) Research of Interest to the Panel (Purpose: To brief the Panel on landing gear research needs and plans for the Conference on Aircraft Operating Problems and Safety.)
10:30 a.m.	Status Report on Dryden Flight Research Center (DFRC) Research of Interest to the Panel (Purpose: To brief the Panel on high altitude air sampling research and remotely-piloted research aircraft.)
1 p.m.	Discussion of Advance Questions (Purpose: To discuss and respond to questions submitted to meeting having relevance to the Panel's charter.)

MAY 13, 1976

8 a.m.	FY 1977 Research Discussion (Purpose: To highlight NASA research plans for the coming fiscal year.)
9 a.m.	FY 1978 Theme Team Review (Purpose: To describe the "Theme Team" activity under way which is designed to provide input to NASA for FY 1978 Aeronautics and Space Technology.)

Time	Topic
10:30 a.m.	Members' Reports and Development of Panel Recommendations (Purpose: To allow members to report on non-NASA safety and operating systems research of interest to the Panel and to formalize recommendations and resolutions to be reported to the Council.)
12 noon	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

APRIL 16, 1976.

[FR Doc.76-11525 Filed 4-20-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

LITERATURE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on May 7, 1976 from 10:00 a.m.-6:00 p.m. and May 8, 1976 from 10:00 a.m.-12:00 noon and from 2:00 p.m.-6:00 p.m. in the Senate Chamber of the Old Capitol Building in Jackson, Mississippi.

A portion of this meeting will be open to the public on May 8 from 10:00 a.m.-12:00 noon and from 2:00 p.m.-6:00 p.m. on a space available basis. Accommodations are limited. During the open session there will be a discussion of the Literature Program and response to questions from the audience.

The remaining sessions of this meeting on May 7 from 10:00 a.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-11484 Filed 4-20-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 9, 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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

FTC Trade Regulation Rulemaking Questionnaire, single-time, participants in rulemaking proceedings, Raynsford, R., 395-3814.

DEPARTMENT OF COMMERCE

Bureau of Census, General Revenue Sharing Survey, RS-120, single-time, local government officials, Ellett, C.A., 395-5867.

DEPARTMENT OF TRANSPORTATION

Departmental and other notice of section 504 Data Request, single-time, all class I railroads, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sugarcane Inquiries, other (see SF-83), sugar mills, Hulett, D. T., 395-4730.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-11655 Filed 4-20-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 15, 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

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers Questionnaire (Japan) (Polymethyl (Methacrylate Resins), single-time, importers (PMMA resins), Laverne V. Collins, 395-5867.

Importers Questionnaire (Other Than Japan) (Polymethyl Methacrylate Resins), single-time, importers (PMMA resins), Laverne V. Collins, 395-5867.

ENVIRONMENTAL PROTECTION AGENCY

Importation of Motor Vehicles and Motor Vehicle Engines, Subject to Federal Air Pollution Control Regulations, EPA-3520-1, on occasion, commercial and individual importers, Lowry, R. L., 395-3772.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

"European Vision of America" Exhibition Audience Survey—Project Evaluation, single-time, individuals attending museum exhibit, Caywood, D. P., 395-3443.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Federal Outlay Report, FNS-360, semi-annually, State Welfare and Education Offices, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Confidential Quarterly Report, Transactions with Foreign Subsidiary or Affiliated Corporation, BE-577, quarterly, U.S. Multinational Corporations, Hulett, D. T., 395-4730.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-11656 Filed 4-20-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release 19488; 70-5831]

NATIONAL FUEL GAS CO. ET AL.

Proposed Issue and Sale of Preferred Stock

APRIL 15, 1976.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020; National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York; 14203; and National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City Pennsylvania 16301.

Notice of proposed issue and sale of preferred stock by holding company; issue and sale of promissory notes to bank; issuance and sale by subsidiaries of promissory notes and acquisition thereof by holding company; requested

exception from competitive bidding in regard to sale of preferred stock.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and two of its wholly-owned subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution") and National Fuel Gas Supply Corporation ("Supply"), have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 42, 43, 45 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application-declaration for a complete statement of the proposed transaction.

National proposes to issue and sell up to 1,200,000 shares of its cumulative preferred stock, par value $25 per share ("Preferred Stock"). The annual dividend rate, expressed as a percentage of par value, will be a multiple of 0.08%. The terms will include a prohibition against direct or indirect redemption prior to April 14, 1981 with or in anticipation of borrowed funds having an effective annual interest cost to National of less than the effective annual dividend cost requirement on the Preferred Stock, or with or in anticipation of funds obtained through the issuance of shares of another series of preferred stock having a lower effective annual dividend cost. The terms of the sinking fund, if any, will be supplied by amendment. National requests an exception from the competitive bidding requirements of Rule 50 under the Act for the issuance and sale of the Preferred Stock to permit it to select one or more investment banking firms to form a syndicate which will act as underwriters and with which National will negotiate the terms on which it will sell the Preferred Stock to such underwriters.

National is a relatively small gas company operating in New York, Pennsylvania and Ohio. Furthermore, the company states that this sale represents the first issue of preferred stock by National and it is vitally important that it be placed successfully. National believes that a negotiated underwriting will provide the flexibility and preselling effort necessary to consummate the sale on terms satisfactory to National.

National proposes to lend $25,000,000 of the proceeds of the sale of the Preferred Stock to Distribution, and to lend any amount in excess of $25,000,000 to Supply or to a storage subsidiary ("Storage") which is presently being organized. Loans will be made directly to Storage after its organization and receipt of the Commission's approval of the acquisition of its securities and transfer of storage fields from Supply to Storage. Both loans will be made in exchange for notes of the respective subsidiaries maturing on or before December 31, 1977 and at an interest rate per annum, payable quarterly, equal to the effective cost of money incurred by National, rounded to the next highest 1/10 of 1%. Concurrently, Distribution will prepay $16,000,000 of its notes payable to National; the remaining funds loaned to Distribution will be retained by it for use in its construction program. Storage and/or Supply will use the funds loaned by National for Storage's 1976 construction program. National will apply the proceeds from Distribution's prepayment to the prepayment of $16,000,000 of its outstanding notes and commercial paper.

National states that Storage will acquire property rights in various storage fields from Supply in exchange for common stock equal to depreciated original cost and assumption by Storage of notes issued by Supply for development costs. Pending consummation of this, Supply will proceed to develop certain of the storage fields. National states that the storage capacity exceeds estimated needs, and the company intends to provide storage capacity for certain nonaffiliated companies.

The 1976 cash needs for storage development are ahticipated to be $5,000,000 and the 1977 cash needs for storage development are anticipated to be $34,000,000.

Ultimately, it is anticipated that Storage will have assets of approximately $90,000,000. The capitalization to support this will be approximately equal amounts of common stock, preferred stock, and promissory notes. All of these securities will be owned by National.

The following pro forma capital structure of Storage is premised upon the construction program moving on schedule, with the property rights in three storage fields being transferred to Storage during 1976:

PRO-FORMA STATEMENT—DEC. 31, 1976

	In thousands
Property rights	$250
Property improvements	5,000
Cash on hand for early 1977 expenditure	4,900
Total	10,150
Common equity	250
Promissory notes to parent	9,900
Total	10,150

National also proposes to issue and sell, from time to time through December 31, 1976, $7,000,000 aggregate principal amount at any one time outstanding of its promissory notes ("Notes") to The Chase Manhattan Bank, N.A. ("Chase"). The Notes will mature within twelve months of their date of issue, will bear interest, payable quarterly, at the prime commercial rate in effect at Chase from time to time, and will be prepayable, in whole or in part at any time without penalty. National has agreed to maintain average balances at Chase of 20% of the average amount of loans outstanding. National states that the average balances maintained for normal operating needs are sufficient to cover these amounts. If 20% compensating balances were required, the effective cost of money, based on a prime rate of 6.75%, would be 8.4375%. There will be no commitment fees nor any closing or related costs required in connection with the issuance of the Notes. The proceeds of such proposed borrowings will be used by National to acquire, for cash, unsecured promissory notes from its subsidiaries in the following maximum aggregate principal amounts at any one time outstanding: Distribution, $1,500,000; Supply, $600,000; and Storage and/or Supply $4,900,000. Each such note will be dated the same date and bear the same interest rate as the related Note of National and will mature within twelve months of its date of issue with interest payable quarterly until the principal amount is paid in full. The subsidiaries will have the option, after the payment of all notes of prior maturity, to prepay any note issue pursuant to this transaction at any time, in whole or in part, without premium, upon payment of all interest secured on the principal amount so prepaid to the date of such prepayment. The subsidiaries will use the proceeds from the sales of notes herein described for their respective construction program. Repayment of the notes will be made from the proceeds of a financing planned for 1977.

The fees and expenses to be incurred in connection with this transaction are estimated at $120,000 including legal fees of $32,500 and accounting fees of $10,000. The fee of counsel for purchasers of the Preferred Stock is estimated at $20,000 and will be paid by the purchasers. It is stated that the issuance and sale of notes by Distribution is subject to the jurisdiction of the Public Service Commission of New York and the Pennsylvania Public Utility Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is

ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-11405 Filed 4-20-76;8:45 am]

[Release 19485; 70-5832]

NATIONAL FUEL GAS CO. ET AL.

Proposed Issue and Sale of Bank Notes and/or Commercial Paper

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020; National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203; and National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301.

Notice of proposed issue and sale of bank notes and/or commercial paper by holding company and issue and sale of short-term notes to holding company by subsidiary companies.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and two of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution Corporation") and National Fuel Gas Supply Corporation ("Supply Corporation"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 (a), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 42, 43, 45, and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes, from time to time through December 31, 1976, to issue and sell notes to banks and/or commercial paper in the aggregate principal amount at any one time outstanding of not more than $75,000,000. Such commercial paper will be sold by National directly to A.G. Becker & Co., Incorporated ("Becker"), a dealer in commercial paper, in denominations of not less than $25,000 with varying maturities not to exceed nine months and which will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, Becker will reoffer and sell the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate to the company. Becker, in reoffering the commercial paper, will limit the reoffer and sale to not more than 200 buyers of commercial paper identified and designed in a list (nonpublic) prepared in advance. It is anticipated that the commercial paper will be held by the buyers to maturity; however, Becker may, if desired, repurchase the commercial paper and reoffer it to others on said list of buyers.

It is stated that the decision to issue bank notes or commercial paper is at National's discretion, except that if the effective interest cost for commercial paper exceeds the cost of equivalent borrowings from the Chase Manhattan Bank, N.A. ("Chase") on the date of issue, National will resort to bank loans. The proposed unsecured, short-term bank notes will be issued and sold only to listed banks, will be dated as of the date of issue, will mature not later than twelve months from the date thereof, and will bear interest at the prime rate of interest in effect from time to time of a specified bank or banks, the name or names of which will be furnished by amendment. These notes will be prepayable at any time, in whole or in part, without penalty or premium. No compensating balances will be required except in the case of the Chase notes. National has informally agreed with Chase to maintain average balances of 20% of the average loans outstanding. However, the average balances maintained for normal operating needs are sufficient to cover these amounts. Assuming that an average balance of 20% was required, the effective cost of money, based on the current 6.75% prime rate, would be 8.44%. There will be no commitment fee nor any closing or related costs in connection with the bank borrowings.

The company proposes to use the proceeds from the sale of its short-term notes and/or commercial paper to acquire for cash from time to time up to $20,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes proposed to be issued and sold by Distribution Corporation and up to $55,000,000 aggregate principal amount at any one time outstanding of short-term unsecured notes proposed to be issued and sold by Supply Corporation. Each such note will be dated the same date and bear the same effective interest rate as the related bank note and/or commercial paper of National. Each note related to a bank note of National will mature within twelve months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Each note related to National's commercial paper will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Distribution and Supply will have the option, after payment of all notes of prior maturity, to prepay any note issued pursuant to this transaction at any time or from time to time, in whole or in part, without premium.

Distribution Corporation proposes to use the proceeds from the sale of its notes for additional working capital. It is anticipated that repayment of the notes by Distribution Corporation will be made from funds generated internally. Supply Corporation proposes to use the proceeds from the sale of its notes to purchase gas placed in storage in the summer months which will be sold in the winter and for working capital. Repayment of these notes by Supply Corporation will be made as gas is withdrawn from storage and sold and from funds generated internally.

National requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof and also requests authority to file certificates under Rule 24 with respect to the proposed bank notes and/or commercial paper on a quarterly basis.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-11406 Filed 4-20-76;8:45 am]

[File No. SR-NASD-75-3; Release No. 12345]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change

APRIL 14, 1976.

In the matter of The National Association of Securities Dealers, Inc., 1735 "K" Street NW., Washington, D.C. 20006.

On October 22, 1975, the National Association of Securities Dealers, Inc. ("NASD"), filed with the Commission, pursuant to Section 19(b) of the Secu-

rities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change.

The proposed rule change amends Article III, Section 32 (and Appendix "C" thereto) of the NASD's Rules of Fair Practice so as to permit, subject to certain conditions, the inclusion of a greater deductible provision in a fidelity bond for those members purchasing coverage in excess of the required minimum coverage, among other things.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–11765 (October 24, 1975)) and by publication in the Federal Register (40 Fed. Reg. 50760 (October 31, 1975)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities associations, and in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 22, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–11542 Filed 4–20–76;8:45 am]

[File No. 500–1]

PRESLEY COMPANIES

Suspension of Trading

APRIL 13, 1976.

The common stock of Presley Companies, being traded on the American Stock Exchange, the Pacific Stock Exchange, the Boston Stock Exchange, and the PBW Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Presley Companies 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 14, 1976 through April 23, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–11543 Filed 4–20–76;8:45 am]

[70–5833; Release No. 19487]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Proposed Amendments

APRIL 15, 1976.

In the matter of Public Service Company of Oklahoma, P.O. Box 201; Tulsa, OK 74102, (70–5833).

Notice of four proposed amendments to articles of incorporation relating to preferred stock; proposed issue and sale of preferred stock at competitive bidding; order authorizing solicitation of shareholders' proxies in connection therewith.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), an electric utility subsidiary company of Central and South West Corporation ("CSW"), a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act", designating Sections 6(a), (7), and 12(e) thereof and Rules 50, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

PSO proposes to amend in four respects its Amended Articles of Incorporation ("charter") and, therefore, to call a special meeting of its common and preferred stockholders, scheduled for May 28, 1976, to consider and vote upon the four proposed amendments. In connection with the special meeting, PSO also proposes to solicit proxies from its preferred shareholders through proposed soliciting material, which PSO intends to mail to such shareholders on April 15, 1976, for the purpose of obtaining the requisite approval of the proposed charter amendments.

The first proposed amendment ("Amendment A") provides that the three outstanding series of preferred stock, $100 par value, be reclassified as preferred stock without par value, but with a stated value of $100, and that any new series of preferred stock also be without par value, but have a stated value established by the Board of Directors ("Board") at the time of creation of such series. It is stated that in certain instances it may be advantageous to offer preferred stock that may be sold for substantially less than $100 per share. Oklahoma law however, does not permit par values to be varied from one series to another within a class of stock, but does allow the stated value of no-par shares to be so varied.

PSO anticipates that Amendment A would permit the Board to establish for any future series of preferred stock a stated value (equivalent in effect to a par value) of any amount (not greater than the consideration received by PSO for shares of the series), thus facilitating sales of future series of preferred stock at less than $100 per share.

PSO states that proposed Amendment A would not affect in any way the rights of preferred stockholders: voluntary and involuntary liquidation values, dividend rates and other rights formerly related to par value would be restated in terms of stated value; voting rights would be restated in terms of the number of votes required for adoption of a measure rather than the number of shares voting in favor thereof and would also be restated to provide that each share of preferred stock will be entitled to 1 vote per $10 of stated value (including fractional votes), thereby maintaining the present relative voting rights of preferred and common stockholders; and quorum and call-of-meeting requirements would be similarly restated in terms of votes rather than shares.

The second proposed charter amendment ("Amendment B") provides that the number of shares of preferred stock which PSO is authorized to issue and allot be increased from 700,000 shares to 2,900,000 shares in order to give the Board some measure of flexibility, in financing its construction and fuel exploration activities (which for 1976–1978 are presently estimated to cost about $442,677,900) and in maintaining desirable capitalization ratios. In order to protect preferred stockholders from dilution, Amendment B limits the maximum aggregate stated value of the 2,900,000 shares to $106,092,500, which is equal to the $44,790,000 of presently outstanding shares plus $61,302,500 for new shares (i.e., the sale of the 2,200,000 additional authorized shares, together with the 252,100 presently authorized but unissued shares, at an assumed stated value of $25).

The third proposed amendment ("Amendment C") would modify the computation of earnings for purposes of satisfying the earnings coverage necessary for issuance of preferred stock without shareholder approval ("earnings test"). The earnings test, in general, requires that PSO's gross income for a period of 12 months ending within the 15 months immediately preceding the date of issuance of the additional preferred stock be at least 1½ times the sum of the annual interest charges on all of PSO's debt securities and the annual dividend requirement on all shares of its preferred stock to be outstanding immediately after the issuance of the additional preferred stock. "Gross income" for purposes of the earnings test is presently computed under PSO's charter after deducting all taxes (including income taxes) and an amount for maintenance, repairs and depreciation of property, which amount is required to be not less than the greater of (i) 15% of PSO's gross operating revenues, less costs of purchased power, or (ii) 2¼% of the average amount, during the period for which the earnings test is being computed, of its depreciable bondable property.

Proposed Amendment C would change the earnings test to require that, in determining PSO's gross income for the applicable period, the amounts to be deducted for depreciation, retirements, renewals, replacements and/or amortization shall

not be less in the aggregate than an amount equal to 3% of the average amount, during the applicable period, of PSO's depreciable bondable property. PSO intends that Amendment C would establish a more appropriate standard for determining the expenditures required in order to maintain the value of its utility plan because the 3% deduction standard is approximately equivalent to the average depreciation rate on depreciable bondable property used by PSO for general accounting purposes for 1971 through 1975. PSO also states that such expenditure requirements should no longer be based upon gross operating revenues because gross operating revenues have been greatly inflated in recent years by the recovery of sharply rising fuel costs through fuel adjustment charges. PSO anticipates that fuel costs and the related earnings test deductions, under the present terms of the charter, are likely to increase to the point that PSO will find it difficult to issue additional preferred stock.

The fourth proposed amendment ("Amendment D") would modify the minimum deductions required for maintenance and depreciation in computing "common stock equity" for purposes of the limitations imposed by the charter on common stock dividends while preferred stock is outstanding. In general, the limitation on the extent to which the net income available for common stock dividends can be so distributed to CSW depends upon the ratio of common stock equity to total capitalization on the last day of a calendar month ending within the 60 days next preceding the months in which the dividend is to be declared. For example, only 75% of the available net income can be distributed as common stock dividends if the ratio is 20% or more but less than 25%, and only 50% can be distributed if the ratio is less than 20%. "Common stock equity," generally, is equal to PSO's stated capital and surplus subject to certain deductions, one of which is the excess of an amount equal to 15% of gross operating revenues (less certain deductions) over the aggregate amount charged on PSO's books for maintenance, repairs and depreciation of property for the period beginning July 1, 1945 and ending within 90 days of the date as of which "common stock equity" is being determined. At December 31, 1975 PSO's common stock equity ratio was about 41%.

Proposed Amendment D provides that for all periods after December 31, 1975, the amount required to be deducted instead will be the excess, if any, of 3% of the average amount (for the period beginning January 1, 1976, and ending with the period for which the calculation is being made) of PSO's depreciable bondable property over the aggregate amount charged on PSO's books for depreciation, retirements, renewals, replacements and/or amortization for the same period. PSO states that the problems with the present dividend restriction arising from continuing into the future the deduction based on 15% of gross operating revenues are equivalent to those stated above concerning the present earnings test. As in the case of Amendment C, PSO states that Amendment D, which is related to the amount of utility plant in service, is a more appropriate minimum deduction requirement to protect against excessive common stock dividends where provision for the maintenance of the value of utility plant has been inadequate.

It is stated that under Oklahoma law and the charter, adoption of proposed Amendments A and B requires the favorable vote of a majority of all votes appertaining to the preferred and common stock, voting together, entitled to vote at the meeting and adoption of proposed Amendments C and D requires the affirmative vote of the holders of at least two-thirds of the outstanding shares of the preferred stock, voting as a class, and the favorable vote of a majority of all votes appertaining to the preferred and common stock, voting together, entitled to vote at the meeting. CSW owns all of the 10,482,000 shares of PSO common stock, which constitutes more than a majority of the aggregate number of outstanding shares of both the preferred and common stock and which account for well over a majority of all votes eligible to be cast for the proposed amendments. CSW has stated its intention to vote its PSO shares in favor of the proposed amendments; thus, the adoption of Amendments A and B is assured.

After Amendments A and B have been adopted and made effective, PSO further proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, up to 1,000,000 shares of its $ preferred stock ("new preferred stock"), of the stated value of $25 per share. The dividend rate, stated in terms of the dollar amount payable per year (which amount will be a multiple of $.04), and the price per share to be paid to PSO for the new preferred stock (which price will not be less than $25 nor more than $26 per share) will be determined by the competitive bidding. The terms of the new preferred stock also provide that no shares may be redeemed prior to July 1, 1981, if the funds for such redemption are obtained by PSO through the issuance of new debt securities or other preferred stock, at an interest or dividend cost as the case may be, less than the dividend rate of the new preferred stock.

The net proceeds to be realized from the sale of the new preferred stock will be used to pay a like amount of outstanding short-term borrowings. PSO states that at February 29, 1976, it had $4,970,000 in short-term borrowings outstanding and that such borrowings will be about $35,000,000 when the new preferred stock is sold.

It is estimated that the fees and expenses to be incurred by PSO in connection with the proposed transactions will be about $110,000, including printing, legal and accounting fees of $65,000, $20,000 and $7,000 respectively. It is stated that the Corporation Commission of Oklahoma has jurisdiction over the proposed issue and sale of the new preferred stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to this Commission that the declaration, insofar as it proposes the solicitation of proxies from PSO's preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration, as amended, regarding the proposed solicitation of proxies of PSO preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-11544 Filed 4-20-76;8:45 am]

[812-3921; Release No. 9247]

SCUDDER STEVENS & CLARK COMMON STOCK FUND INC. ET AL.

Filing of Application for Exemption

APRIL 14, 1976.

In the matter of Scudder, Stevens & Clark Common Stock Fund, Inc., et al., 10 Post Office Square, Boston, Massachusetts 02109; Fidelity Fund, Inc., et al., 35 Congress Street, Boston, Massachusetts 02109; Eaton & Howard Balanced Fund, et al., 24 Federal Street, Boston Massachusetts 02110; The George Putnam Fund of Boston, et al., 265 Franklin Street, Boston, Massachusetts 02110;

Vance, Sanders Income Fund, Inc., et al., One Beacon Street, Boston, Massachusetts 02109.

Notice is hereby given that Scudder Cash Investment Trust, Scudder Managed Reserves, Inc., Scudder, Stevens & Clark Balanced Fund, Inc., and Scudder, Stevens & Clark Common Stock Fund, Inc. (the "Scudder Funds"); Fidelity Fund, Inc., Puritan Fund, Inc., Fidelity Capital Fund, Inc., Fidelity Trend Fund, Inc., Salem Fund, Inc., Fidelity Equity-Income Fund, Inc., Contrafund, Inc., Congress Street Fund, Inc., Essex Fund, Inc., Magellan Fund, Inc., Fidelity Destiny Fund, Inc., and Fidelity Bond-Debenture Fund, Inc. (the "Fidelity Funds"); Eaton & Howard Balanced Fund, Eaton & Howard Growth Fund, Inc., Eaton & Howard Income Fund, Eaton & Howard Special Fund, Inc., and Eaton & Howard Stock Fund (the "Eaton & Howard Funds"); The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam Investors Fund, Inc., The Putnam Income Fund, Inc., Putnam Convertible Fund, Inc., Putnam Equities Fund, Inc., Putnam Vista Fund, Inc., Putnam Voyager Fund, Inc., Putnam Mariner Fund, Inc., Putnam Daily Dividend Trust, and Putnam Duofund, Inc. (the "Putnam Funds"); and Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Depositors Fund of Boston, Inc., Capital Exchange Fund, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., and Vance, Sanders Income Fund, Inc. (the "Vance Sanders Funds") (all of the above funds are referred to herein collectively as the "Funds"), each of which is registered as an investment company (except for Putnam Daily Dividend Trust, which has applied for such registration) under the Investment Company Act of 1940 (the "Act"), filed an application on March 1, 1976 pursuant to Section 6(c) of the Act for an order declaring that Mrs. Hester L. Sargent and Messrs. Dwight L. Allison, Jr., F. Stanton Deland, Hans H. Estin, Donald J. Hurley and William F. Morton, directors, trustees, and/or nominees as directors or trustees, of one or more of the Funds, shall not be deemed "interested persons" of the Funds or their investment advisers or principal underwriters within the meaning of Section 2(a)(19) of the Act by reason of their positions with The Boston Company, Inc. and/or Boston Safe Deposit and Trust Company ("Boston Safe"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mrs. Sargent is a director or trustee of each of the Scudder Funds; Mr. Allison is a director of eight of the Fidelity Funds, and it is contemplated that he will be nominated as a director at the stockholders' meetings to be held in the next few months for the other four Fidelity Funds; Mr. Deland is a director or trustee of each of the Eaton & Howard Funds; Messrs. Estin and Hurley are directors or trustees of each of the Putnam Funds, except that Mr. Estin is not a director of Putnam Duofund, Inc.; and Mr. Morton is a director or trustee of each of the Vance Sanders Funds.

The application states that the Boards of Directors or Trustees of all of the Funds referred to above do not want to increase the number of directors or trustees who are "interested persons" of the Funds under the Act. None of the persons referred to above are interested persons at this time of any of the Funds which they serve as directors or trustees.

However, The Boston Company Financial Strategies, Inc. ("TBCFSI"), a wholly-owned subsidiary of The Boston Company, Inc., proposes to form a subsidiary (the "New Subsidiary") which plans to register with the Securities and Exchange Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). Section 2(a)(19)(A)(v) and (B)(v) define an "interested person" of an investment company and of an investment adviser of or principal underwriter for any investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in the definition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Mr. Allison, by reason of his position as a director and Chairman of the Executive Committee of The Boston Company, Inc., and Messrs. Hurley and Morton, by reason of their positions as directors of The Boston Company, Inc., might be considered for the purposes of Sections 2(a)(19)(A)(v) and (B)(v) to indirectly control, and therefore be "affiliated persons" of, the New Subsidiary, and thus interested persons of the Fidelity Funds, the Putnam Funds, and the Vance Sanders Funds, respectively and their respective investment advisers and principal underwriters.

Mrs. Sargent and Messrs. Allison, Deland, Estin, Hurley, and Morton are all directors of the Boston Safe, more than 99% of whose stock is owned by The Boston Company, Inc. The application states that while there is a statutory presumption in Section 2(a)(9) of the Act that a natural person is not a controlled person, that presumption may be rebutted by evidence and a contrary determination made by Commission order, and a director of one subsidiary may be determined to be under common control with another subsidiary. The application further states that under such an interpretation, Mrs. Sargent and Messrs. Allison, Deland, Estin, Hurley and Morton could be determined to be interested persons of the Scudder, Fidelity, Eaton & Howard, Putnam, and Vance Sanders Funds, respectively, and their respective investment advisers and principal underwriters. The application also states that while the Funds do not necessarily agree with such an interpretation, the Funds have deemed it advisable to clarify the status of those directors of Boston Safe by applying for exercise of the Commission's exemptive authority under Section 6(c) of the Act.

The Funds believe that the relationship of their directors and trustees named herein with The Boston Company, Inc., Boston Safe, TBCFSI, and the New Subsidiary will not impair their independence in acting on behalf of the Funds and their shareholders.

The Boston Company, Inc. is a holding company whose subsidiaries are engaged in providing resources management services. Boston Safe is a long-established trust company engaged primarily in investment management and other trust company, fiduciary and related banking services. TBCFSI currently provides financial planning and asset management services for wealthy individuals and families and is registered under the Investment Advisers Act of 1940. The New Subsidiary's business will relate primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures.

The application states that because of the special nature of the type of investments which the New Subsidiary will be involved with, most of the Funds, if not all of them, could not legally purchase or sell such investments from or through the New Subsidiary because of investment restrictions, and none of the Funds currently intends to make any such investments. Moreover, each of the Funds has undertaken in the application not to transact any business with the New Subsidiary.

Mrs. Sargent's principal occupation is President of the Board of Governors of New England Medical Center Hospital. In addition, she is a Trustee of Tufts University and Boston Symphony Orchestra.

Mr. Allison's principal occupation is Chairman of the Executive Committees of The Boston Company, Inc. and Boston Safe. In addition to serving as a director and/or officer of numerous of The Boston Company's subsidiaries, but not including TBCFSI, he is also a director of Dennison Manufacturing Company.

Mr. Deland is a partner in the law firm of Sherburne, Powers & Needham. He also serves as President of Affiliated Hospitals Center, Inc., President of New England Peabody Home for Crippled Children, Trustee of Wentworth Institute, Director of Brookline Trust Company, Harvard Medical Center Corporation and several small companies.

Mr. Estin is Vice Chairman, North American Management Corporation. In addition, he is a director of Allied Foods, Inc., Massachusetts General Life Insurance Company, and Yellowknife Bear Mines, Ltd., Chairman of the Board of Trustees of Boston University, Member, Trustee Council of Boston University

Medical Center, and Trustee, Children's Hospital Medical Center.

Mr. Hurley is a partner in the law firm of Goodwin, Procter & Hoar. He serves as a director of The Stop & Shop Companies, Inc., The Continental Corporation, and Boston Old Colony Insurance Company, as well as Trustee and Member of the Board of Investment of Charlestown Savings Bank and President of the Committee of the Permanent Charity Fund, Inc., Boston.

Mr. Morton is a director of various corporations, including Dome Petroleum Limited, in addition to The Boston Company, Inc. and Boston Safe.

Mrs. Sargent and Messrs. Allison, Deland, Estin, Hurley, and Morton will not be directors or officers of the New Subsidiary and therefore will have no authority or responsibility for management of the operations of the New Subsidiary. It is further submitted that the formation and existence of the New Subsidiary will not create any conflicts of interest for any of those individuals, since even if they were actively involved with the New Subsidiary, the Funds would not in the normal course and, as indicated in the application, have agreed not to in any event, purchase or sell securities through the New Subsidiary.

Each of the Funds believes that their respective directors and trustees referred to herein are persons of recognized integrity, judgment, independence, and competence in the investment company industry. Each of the Funds is also of the opinion that their respective directors and trustees are in fact disinterested directors and trustees and that it is in the best interests of each such Fund that they be permitted to continue to serve as disinterested directors and trustees after the formation of the New Subsidiary.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the projection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than May 7, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Funds at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-11545 Filed 4-20-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 30]

ASSIGNMENT OF HEARINGS

APRIL 16, 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 115904 (Sub 38), Grover Trucking Co. now assigned May 20, 1976 (2 days) at Albuquerque, New Mexico and will be held in Room 1410, Federal Office Building, 517 Gold Street S.W.

MC 59120 Sub 38, Eazor Express, Inc., now assigned June 28, 1976, at Harrisburgh, Pa., is canceled and reassigned for June 28, 1976, (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

MC 107478 Sub 21, Old Dominion Freight Line, A Corporation, now being assigned July 12, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 113843 Sub-228, Refrigerated Food Express, Inc., now being assigned July 13, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 102520 Sub 5, Ric's Transfer Co., Inc., now assigned May 18, 1976, at Olympia, Wash., will be held in Room 3F-22, Highway Administration Bldg., Maple & Park.

MC 130335, Barrington Travel Group Association, now assigned May 12, 1976, at Camden, N.J., will be held in Court Room 6-C, 6 Street Floor, County Court House, 6th and Market St.

MC 135078 Sub 2, American Transport, Inc., now assigned May 18, 1976, at New York, N.Y., will be held in Hearing Room 5480, 54th Floor, 2-World Trade Center.

MC 123408 Sub 23, Food Haulers, Inc., now assigned May 17, 1976, at New York, N.Y., will be held in Hearing Room 5480, 2-World Trade Center.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11555 Filed 4-20-76;8:45 am]

[Notice No. 231]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 21, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 11, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-76307. By order of April 15, 1976, the Motor Carrier Board approved the transfer to JMB Trucking, Inc., Tavares, Florida, of Certificate No. MC-117943 (Sub-No. 1) issued September 9, 1975, to Joseph M. Booth, Doing Business As J. M. Booth Trucking, Eustis, Florida, authorizing the transportation of (1) Commodities used in the manufacture and sale of wearing apparel, from points in a certain portion of the New York, N.Y., Commercial Zone, and points in named counties in New Jersey, to points in Dade County, Fla.; and return of damaged, defective or returned shipments of these commodities; and (2) Wearing apparel, from points in Dade County, Fla., to points in a certain portion of the New York, N.Y., Commercial Zone and named counties in New York, and New Jersey. Dual authority authorized. George A. Olsen, 69 Tonnele Ave., Jersey City, New Jersey, 07306, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Dc.76-11553 Fled 4-20-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER Notices

APRIL 16, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed eliminaiton of any

gateway herein described may be filed with the Interstate Commerce Commission on or before May 3, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 92983 (Sub-No. E20) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER November 19, 1975. Applicant: AMERICAN BULK TRANSPORT CO., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (F) *acids and chemicals* (except petroleum and petroleum products), in bulk, (5) from points in Michigan located in and south of Muskegon, Kent, Montcalm, Gratiot, Saginaw, Tuscola, and Huron Counties (except Kalamazoo) to points in South Dakota (except those points in South Dakota described in (4) above), points in Iowa located in and west of Lee, Henry, Washington, Johnson, Linn, Buchanan, Fayette, and Winneshiek Counties (except those points described in (3 and 4) above) and points in Minnesota located on and south of west of a line extending from the Minnesota-Iowa State line along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line; (G) *acids and liquid chemicals* (except petroleum and petroleum products), in bulk: * * * (I) *vegetable oils and vegetable oil products* (except soap products and paints), (4) from points in Michigan to points in Texas on and south at a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 79, to U.S. Highway 82, thence along U.S. Highway 82 to Texas Highway 116, thence along Texas Highway 116 to the Texas-New Mexico State line; * * * The purpose of this filing is to eliminate the gateways of: (F) Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (G) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Pike County, Mo.; (I) Memphis, Tenn.; * * * The purpose of this correction is to correct the Part (F) (5), (G), and (I) (4) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E25) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER December 23, 1975. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (J) *Crude soybean oil and inedible fats* (except inedible animal fats from Wichita), in bulk, in tank vehicles, (2) from points in Kansas (except Crawford, Cherokee, and Labette Counties), to Decatur, Ill., (3) from points in Kansas located in, north and west of a line extending from the Kansas-Oklahoma State line along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line to East St. Louis, Ill. * * * The purpose of this filing is to eliminate the gateways of: (A) Iowa, or Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (B) (1) points in (A) above, and Selma, Mo., and points within 5 miles thereof; (B) (2)–(12) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Muscatine, Iowa; (B) (13) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and the plant site of Hawkeye Chemicals Co., at or near Clinton, Iowa; (C) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Des Moines, Iowa; (D) (E) (F) Tulsa, Okla.; (G) (H) (I) Memphis, Tenn.; (J) Iowa; and (K) Dubuque, Iowa. The purpose of this correction is to correct Part (J) (2) and (3) above that was deleted in the FEDERAL REGISTER publication of December 23, 1975. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E26) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER January 2, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (U) Chemicals (except liquid chemicals), petroleum chemicals, and dry phosphate, from Lawrence, Kans.), in bulk, in tank or hopper vehicles, (1) from points in Kansas (except Olathe and Wichita), to points in Michigan (except Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, and Iron Counties), (2) from points in Kansas located in and south of Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Kingman, Sedgwick, Cowley, Elk, Wilson, Neosho, and Crawford Counties (except Wichita), to points in Michigan, (3) from points in Kansas located in and south of Crawford, Neosho, Wilson, Elk, Butler, Harvey, Reno, Pratt, Edwards, Ford, Meade, Seward, and Stevens Counties (except Wichita), to points in Wisconsin, * * * The purpose of this filing is to eliminate the gateways of: (A) St. Louis, Mo.; (B) points that are in both the St. Louis, Mo., and Dupo, Ill., commercial zones; (C) Lawrence, Kans.; (D) Muscatine, Iowa; (E) those points in Arkansas that are in Memphis, Tenn., commercial zone; (F) plant site of Blockson Chemical Co., at or near Joliet, Ill.; (G) those points in Arkansas that are in the Memphis, Tenn., commercial zone; (H) (1) plant site of Iowa-Guttenberg Terminal, Inc., located approximately 2 miles south of Guttenberg, Iowa; (H) (2) Saginaw, Mo., and points within 15 miles thereof; (I) Fremont, Nebr.; (J) Springfield, Mo.; (K) Kansas City, Mo.;

(L) Colorado; (M) Platte County, Mo.; (N) Kansas City, Mo.; (O) Kansas City, Mo., and Tulsa, Okla., (P), (Q), (R), (S) (1) and (2), Kansas City, Mo.; (S) (3)–(13), Kansas City, Kans., Kansas City, Mo., commercial zone; (S) (14)–(19), Kansas City, Mo.; (S) (20)–(29), those points that are in the Olathe, Kans., and Kansas City, Kans., Kansas City, Mo., commercial zones; (T) those points that are in the Olathe, Kans., and Kansas City, Mo., commercial zones, and Tulsa, Okla.; (U) (1) and (2), those points that are in the Olathe, Kans., and Kansas City, Mo., commercial zones, and the plant site of Blockson Chemical Co., near Joliet, Ill.; (U) (3), those points that are in the Olathe, Kans., and Kansas City, Mo., commercial zones, and the plant site of Iowa-Guttenberg Terminal located approximately two miles south of Guttenberg, Iowa; (U) (4)–(7), those points that are in the Olathe, Kans., and Kansas City, Mo., commercial zones and Saginaw, Mo., and points within fifteen miles thereof; (U) (8)–(11), and (V), Kansas City, Mo.; (W), Kentucky (except Louisville and points in its commercial zone); (X) (1), points in Illinois that are in the Muscatine, Iowa, commercial zone; (X) (2), Pekin, Ill.; and (Y), the plant site of Protein Blenders near Iowa City, Iowa. The purpose of this correction is to correct Parts (U) (1), (2) and (3) and the points that are to be eliminated above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E36) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER March 3, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *vegetable oils and vegetable oil products* (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paint), in bulk, in tank vehicles, from points in Colorado to points in Alabama, Georgia (except Macon, Ga.), and Mississippi (except Jackson, Miss., and those points located in Adams, Wilkinson, and Amite Counties); (K) *acids and chemicals* (except those derived from petroleum, petroleum products, synthetic resins and varnish), in bulk, in tank or hopper vehicles; (1)

from points in Colorado located in, south and west of Moffat, Rio Blanco, Garfield, Eagle, Summit, Clear Creek, Gilpin, Jefferson, Denver, Arapahoe, Elbert, Lincoln, and Kit Carson Counties, to points in Minnesota located in and east of Lake Carlton, Pine, Chisago, Washington, Ramsey, Dakota, Rice, Steele, and Freeborn Counties, and points in St. Louis County on and east of U.S. Highway 51 and on and south of Minnesota Highway 169; (2) from points in Colorado located in, south and west of Montrose, Ouray, Hinsdale, Saguache, Chaffee, Fremont, Pueblo, Otero, and Bent and Prowers Counties, to points in Minnesota located in Martin, Farabault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, LaSueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Stearns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Mille Lacs, Kanabec, Wadena, Cass, Crow Wing, Aitkin, Hubbard, Clearwater, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and St. Louis County on and west of U.S. Highway 53 and those on and north of Minnesota Highway 160; * * *

(N) *Acids and chemicals*, in bulk, in tank or hopper vehicles; (2) from points in Colorado located in San Miguel, Dolores, Montezuma, Ouray, San Juan, La Plata, Hinsdale, Mineral, Archuleta, Sagauche, Rio Grande, Alamosa, Conejos, Chaffee, Fremont, Custer, Pueblo, Crowley, Otero, and Kiowa Counties to points in Arkansas located in, north and east of Crawford, Franklin, Logan, Yell, Garland, Hot Springs, Dallas, Quachita, and Union Counties; * * * (6) from points in Colorado in, north and west of Phillips, Washington, Lincoln, El Paso, Teller, Park, Lake, Pitkin, Mesa, Delta, Montrose, Ouray, San Juan, and La Plata Counties, to points in Kansas located in Montgomery, LaBette, Wilson, Neosho, Woodson, and Allen Counties and those in Coffee County on and east of U.S. Highway 75; * * * (12) from points in Colorado in and south of Kiowa, Crowley, Pueblo, Fremont, Saguache, Hinsdale, Ouray, and Montrose Counties, to points in Iowa located in and east of Dickinson, Clay, Buena Vista, Sac, Carroll, Shelby, Pottawatomie, Mills, and Fremont Counties and in and west of Winnebago, Hancock, Wright, Hamilton, Boone, Greene, Guthrie, Adair, Adams, and Taylor Counties; * * * (16) from points in Colorado located in and south of Montrose, Ouray, Hinsdale, Saguache, Fremont, Pueblo, Crowley, and Kiowa Counties to points in Missouri located in Atchison and Holt Counties; and * * * The purpose of this filing is to eliminate the gateways of (A), (B), (C), and (D); Memphis, Tenn.; (E) Burlington, Iowa; (F) Leacox, Okla. (Oklahoma City, Okla., Commercial Zone); (G) and (H); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (I); Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Marshall County, Ky.; (J) and (K); Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (L); Kansas City, Kans.-Kansas City, Mo., Commercial Zone, and Lawrence, Kans.; (M) Kansas City, Kans.-Kansas City, Mo., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Columbia, Tenn.; (N); Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone; and (O); Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles, and Memphis, Tenn. The purpose of this correction is to correct Parts (C), (K) (1)(2), (N)(2)(6)(12) and (16) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E37) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER March 3, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *acids and chemicals*, in bulk, in tank or hopper vehicles; (2) from points in Colorado located in, south and west of San Miguel, Ouray, Hinsdale, Mineral, Rio Grande, Alamosa, Huerfano and Los Animas Counties, to points in Minnesota located in St. Louis, Lake, Cook, Goodhue, Wabasha, Dodge, Olmstead, and Mower Counties; (V) *such paints, resins, varnishes, and lacquers*, as are embraced within *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; (2) from points in Colorado on, north and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to Pueblo, thence along Colorado Highway 96 to the Custer-Pueblo County line, thence along the eastern and southern County lines of Custer, Saguache, Alamosa, Rio Grande 8, Archuleta Counties including all points in said Counties, to points in Arkansas on, north and east of a line beginning at Fort Smith and extending along Arkansas Highway 92 to Dardanell, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line; (3) from points in Colorado located in and south of Montrose, Gunnison, Chaffee, Fremont, Pueblo, Crowley, and Kiowa Counties to points in Michigan located in Gogebic, Ontumagon, Iron, and Baraga Counties;

(W) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from points in Colorado located in, north and west of Logan, Morgan, Weld, Boulder, Jefferson, Denver, Clear Creek, Summit, Eagle, Pitkin, Mesa, Delta, Montrose, Ouray, San Juan, and La Plata Counties, to Kansas City, Kans.; (5) from points in Colorado in, south and west of San Miguel, Ouray, Hinsdale, Mineral, Rio Grande, Alamosa, and Costilla Counties, to points in Iowa, located in Emmet, Palo Alto, Kossuth, Winnebago, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Greene, Boone, Guthrie, Dallas, Adair, Madison, Union, and Ringgold Counties; (X) *such paint and lacquer* as are embraced within petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209, in bulk, in tank vehicles, (2) from points in Colorado located in, south and west of Montrose, Ouray, Hinsdale, Saguache, Chaffee, Freemont, Pueblo, Otero, Bent, and Prowers Counties, to points in Minnesota located in Martin, Faribault, Watonwan, Blue Earth, Waseca, Brown, Nicollet, Le Sueur, Renville, Sibley, Scott, McLeod, Carver, Hennepin, Kandiyohi, Meeker, Wright, Sterns, Benton, Sherburne, Isanti, Anoka, Todd, Morrison, Millelacs, Konabec, Wadena, Cass, Crow Wing, Aitken, Hubbard, Clear Water, Beltrami, Roseau, Lake of the Woods, Koochiching, and Itasca Counties and points located in St. Louis County west of U.S. Highway 53, and points in St. Louis County north of Minnesota Highway 169; (Y) *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; from points in Colorado to points in Kentucky, New York, Pennsylvania, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateways of (A) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone;

(B) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (C) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (D) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Dubuque, Iowa; (E) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and points in Arkansas that are within the Memphis, Tenn., Commercial Zone; (F)(1)-(3) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Blockson Chemical Division of Olin Mathieson Company Plantsite at Joliet, Ill.; (F)(4)-(6) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Tulsa, Okla.; (G) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Muscatine, Iowa; (H) same as (E); (I) Olathe, Kansas City, Kans., a point in the Kansas City, Kans., Commercial Zone and the plant site of Iowa-Guttenburg Terminal, Inc., located approximately 2 miles south of Guttenburg, Iowa; (J), (K) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Saginaw, Mo., and points within 15 miles thereof; (L) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, Saginaw, Mo., and points within 15 miles thereof, and Woodstock, Tenn.; (M) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Fremont, Nebr.; (N) Olathe, Kans., a point in the Kansas City, Kans., Commercial Zone, and Verona, Mo.; (O), (P) Kansas City, Kans.-Kansas City, Mo., Commercial Zone; (Q) Missouri; (R)(1) LaGrange,

Mo.; (R) (2) Alexandria, Mo.; (S) Missouri; (T) Kansas City, Mo.; (U) Escanoba, Mich., and points within 15 miles thereof; (V) Kansas City, Mo.; (W) (1)–(5) Trenton, Mo.; (W) (6)–(8) Trenton, Mo., and Dubuque, Iowa; (W) (9)–(16) Trenton, Mo., and Guttenburg, Iowa; and (X), (Y) Kansas City, Mo. The purpose of this correction is to correct parts (I) (2), (V) (2) (3), (W) (1) (5), (X) (2), and (Y) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E39) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER March 3, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molasses*, when intended for use as animal and poultry feed or animal and poultry feed ingredients, in bulk, in tank vehicles; * * * (f) from Philadelphia, Pa., to points in North Dakota; * * * The purpose of this filing is to eliminate the gateways of: (1) (a) Frytown, Iowa; (b) Frytown, Iowa, and Iowa City, Iowa; (c) Frytown, Iowa, and Muscatine, Iowa; (d) Frytown, Iowa and Des Moines, Iowa; (e) Frytown and Dubuque, Iowa; (f) Frytown and Des Moines, Iowa, and Fremont, Nebr.; (2) Frytown and Des Moines, Iowa, and Crete, Nebr. The purpose of this correction is to correct the destination point in (1) (f) above. The remainder of the letter-notice remains as previously published.

No. MC 92983 (Sub-No. E44) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER March 3, 1976. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * The purpose of this filing is to eliminate the gateways of: (A),(B) Memphis, Tenn.; (C) (1) Memphis, Tenn., and Kansas; (C) (2) (3) and (4) Memphis, Tenn.; (D) Memphis, Tenn., and Clinton, Iowa; (E) (1)–(3) Memphis, Tenn., and Nebraska; (E) (4)–(6) Memphis, Tenn., and Kansas; (E) (7)–(9) Memphis, Tenn., and Colorado; (F) Memphis, Tenn., and Pike County, Mo.; (G) (1) Memphis, Tenn.; (G) (2) Memphis, Tenn., and Burlington, Iowa; (G) (3) Memphis, Tenn., and Burlington, Iowa, and the plant site of the Blockson Chemical Co., at division of the Olin Mathieson Chemical Corp., at or near Joliet, Ill.; (H), (I) (2)–(3), (6) Kansas City, Kans., Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.); (I) (1) Kansas City, Kans., (a point formerly known as Turner, Kans.); (I) (4) and (5) points that are in both the Olathe, Kans., and Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); and (J) Memphis, Tenn. The purpose of this correction is to correct the description of gateways to be eliminated that was deleted (Part (C) (2) (3) and (4)) in the FEDERAL REGISTER publication above. The remainder of the letter-notice remains as previously published.

No. MC 10216 (Sub-No. E87) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 2, 1975. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., and points within five miles thereof, to New York, New York, Buffalo, Niagara Falls, and Lockport, New York. The purpose of this filing is to eliminate the gateway of Toledo, Ohio. The purpose of this correction is to correct the origin-destination.

No. MC 102616 (Sub-No. E90) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 2, 1975. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Forsyth, Ill., to New York, New York, Buffalo, Niagara Falls, and Lockport, New York. The purpose of this filing is to eliminate the gateway of points in the Toledo, Ohio Commercial zone which are in Michigan. The purpose of this correction is to correct the origin-destination.

No. MC 102616 (Sub-No. E272) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER September 18, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Mahoning, Summit, Stark, and Trumbull Counties, Ohio, to points in Nebraska, Oklahoma, Texas (except Harris County), points in Colorado, Wyoming, Nebraska, and New Mexico which are on and east of U.S. Highway 85, and points in South Dakota on and east of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 71 to junction U.S. Highway 385, to junction U.S. Highway 16, to junction Interstate Highway 90, to junction South Dakota Highway 34, to junction U.S. Highway 85 to the South Dakota-Wyoming State line * * * The purpose of this filing is to eliminate the gateway of Akron, Ohio, Kalamazoo, Michigan and Marshall, Illinois or points within 5 miles thereof. The remainder of the letter-notice remains as previously published. The purpose of this correction is to correct the destination point.

No. MC 102616 (Sub-No. E294) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, restricted to liquid chemicals, in bulk, in tank vehicles, from Canton, Cleveland, Cincinnati, Hamilton, Haverhill, Toledo and Youngstown, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and points in Colorado, New Mexico, North Dakota, and South Dakota which are west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Midland, Mich. The purpose of this correction is to correct the origin points.

No. MC 102616 (Sub-No. E295) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products*, restricted to petroleum products or chemicals, in bulk, in tank vehicles, from Canton, Cincinnati, Cleveland, Hamilton, Haverhill and Youngstown, Ohio, to points in Arkansas, Kansas, Mississippi, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, New Mexico, North Dakota, and South Dakota which are east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof. The purpose of this correction is to correct the origin points.

No. MC 102616 (Sub-No. E299) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar products*, restricted to chemicals, in bulk, in tank vehicles, from Canton, Cincinnati, Cleveland, Hamilton, Haverhill, Toledo, and Youngstown, Ohio, to points in Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Midland, Mich. The purpose of this correction is to correct the E number 229 to read as E299 and to correct the origin points.

No. MC 102616 (Sub-No. E302) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's repre-

sentative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), from Canton, Ohio, and points within 10 miles thereof, to points in Delaware, Maryland, New York, North Carolina, Pennsylvania, Vermont and Virginia. The purpose of this filing is to eliminate the gateway of Congo, W. Va. The purpose of this correction is to correct the authority sought and origin-destination points.

No. MC 102616 (Sub-No. E428) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 29, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Brooke, Hancock, Hampshire, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzel Counties, W. Va.; to points in Michigan, Indiana, Illinois, and Wisconsin; restricted against the transportation of benzol to Midland, Mich.; and points within 5 miles thereof; and of liquid tar used in road construction and maintenance to points in Michigan. The purpose of this filing is to eliminate the gateway of Canton, Ohio. The purpose of this correction is to correct the (Sub-No. E447) which should be (Sub-No. E428).

No. MC 102616 (Sub-No. E435) (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Fort Wayne, Indiana, to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Midland, Mich. The purpose of this correction is to correct the destination points.

No. MC 102616 (Sub-No. E436), (Correction), filed June 3, 1974, and published in the FEDERAL REGISTER July 21, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Corning Co., at Carrollton, Ky., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Midland, Mich., Port Huron, Mich., and Niagara Falls, N.Y. The purpose of this correction is to correct the destination points.

No. MC 107295 (Sub-No. E58) (Correction), filed May 9, 1974, and published in the FEDERAL REGISTER September 26, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Hardwood flooring, from White Lake, Wis., to points in Arizona, points in California in and south of Monterey, San Benito, Fresno, Tulare, Kern, and San Bernardino Counties, points in New Mexico in, west, and south of San Juan, McKinley, Valencia, Bernalillo, Torrance, Lincoln, De Baca, Roosevelt, and Curry Counties. The purpose of this correction is to insert Kern as one of the counties that was omitted. The purpose of this filing is to eliminate the gateway of Warren, Ark.

No. MC 107295 (Sub-No. E222) (Correction), filed May 9, 1974, and published in the FEDERAL REGISTER April 21, 1975. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment and materials* incidental to the erection and completion of such buildings, (1) from points in that part of Louisiana in and east of Union, Ouachita, Caldwell, La Salle, Rapides, Evngeline, Acadia, and Vermillion Parishes to points in Arizona and Kansas. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. The purpose of this correction is to correct and deletion of a destination point.

No. MC 108119 (Sub-No. E9) (Correction), filed May 5, 1975. Published in the FEDERAL REGISTER August 13, 1975. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except the stringing or picking up of pipe in connection with main or trunk pipelines, and *machinery* and machinery parts not included above restricted in each part to commodities which because of size or weight, require special handling or the use of special equipment) when the transportation of such items is incidental to the transportation by carrier of commodities which, by reason of size or weight require special handling or the use of special equipment, *related parts, materials,* and *supplies* (not requiring special handling or the use of special equipment) when the transportation of such items is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment, and

(2) *Self-propelled articles*, each weighing 15,000 pounds or more, which are used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up of pipe in connection with main or trunk pipelines, and related machinery, tools, parts, and supplies moving in connection therewith, restricted in (2) to commodities which are transported on trailers, and restricted in (1) and (2) against the transportation of farm machinery moving to or from Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode IsIand, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming * * * (c) Between points in Montana within Glacier, Tooele, Liberty, Hill, Pondera, Teton, Chouteau, and Cascade Counties, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, that part of Kansas on and east of U.S. Highway 281, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, that part of Nebraska on and east of U.S. Highway 281, New Hampshire, New Jersey, New York, North Carolina, that part of North Dakota on and east of North Dakota Highway 32, Ohio, that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 183.

Thence along U.S. Highway 183 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, Pennsylvania, Rhode Island, South Carolina, that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 25 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line, Tennessee, that part of Texas on and east of a line beginning at the Oklahoma-Texas State

line, and extending along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line near Laredo, Tex., Vermont, Virginia, West Virginia, and Wisconsin * * * The purpose of this filing is to eliminate the gateway of that part of Minnesota on and west of U.S. Highway 71. The purpose of this correction is to correct the deletion of Ohio between the definition of North Dakota and Oklahoma in (c) above. The remainder of the letter-notice remains as previously published.

No. MC 108119 (Sub-No. E13) (Correction), filed May 5, 1975, and published in the FEDERAL REGISTER August 13, 1975. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *self-propelled vehicles*, each weighing 15,000 pounds or more (except vehicles as defined in Section 203(b)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service), which because of size or weight require special handling or the use of special equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, which because of size or weight require special handling or the use of special equipment, related parts, materials, and supplies (not requiring special handling or the use of special equipment) when the transportation of such items is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment, restricted in (1) and (2) against the transportation of boats, and further restricted against the transportation of farm machinery, to or from Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming, and restricted in (2) to commodities which are transported on trailers; * * *

(e) Between points in Oregon within Douglas, Coos, Curry, Josephine, and Jackson Counties and points within Lane and Linn Counties that are east of Interstate Highway 5, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Iowa, that part of Kansas on and east of a line extending from the Nebraska-Kansas State line along U.S. Highway 81 to Saline, Kans., thence along Interstate Highway 35 to the Kansas-Oklahoma State line, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, (Upper Peninsula only), Minnesota, Mississippi, that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line, and extending along U.S. Highway 281 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, New Hampshire, New Jersey, New York, North Carolina, that part of North Dakota on and east of North Dakota Highway 3, that part of Oklahoma on and east of U.S. Highway 77, Pennsylvania, Rhode Island, South Carolina, that part of South Dakota on and east of South Dakota Highway 45, Tennessee, that part of Texas on and east of U.S. Highway 69, Vermont, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways of Montana and Minnesota. The purpose of this correction is to correct a deletion naming the State of Wisconsin. The remainder of the letter-notice remains as previously published.

No. MC 108207 (Sub-No. E33), filed May 13, 1974. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and fresh meats*, (1) from points in Iowa and points in that part of Kansas and Nebraska on and east of U.S. Highway 183, to points in New Mexico and Arizona; and (2) from points in Iowa, points in that part of Kansas on and east of U.S. Highway 183, and points in Nebraska on and east of U.S. Highway 81, to points in that part of California on, south, and east of a line beginning at the Pacific Ocean, thence along California Highway 17 to junction U.S. Highway 101, to junction California Highway 152, to junction California Highway 99, to junction California Highway 58, to junction Interstate Highway 15, to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 112520 (Sub-No. E147), filed January 3, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, from points in Georgia on and south of a line beginning at the Georgia-Alabama State line near Hilton, Ga., thence over Georgia Highway 62 to junction Georgia Highway 91 to Albany, Ga., thence over Georgia Highway 257 to Cordele, Ga., thence over Interstate Highway 75 to the Georgia-Florida State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of points in Colquitt County, Ga.

No. MC 112520 (Sub-No. E148), filed January 3, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, (1) from points in Georgia on and south of a line beginning at the Georgia Florida State line near Clyattville, Ga., thence over Georgia Highway 31 to Valdosta, Ga., thence over U.S. Highway 84 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points in Alabama; and (2) from Savannah, Ga., to points in Alabama on and south of a line beginning at the Georgia-Alabama State line near Eufaula, Ala., thence over U.S. Highway 82 to Montgomery, Ala., thence over U.S. Highway 31 to Birmingham, Ala., thence over U.S. Highway 78 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Lowndes County, Ga.

No. MC 112520 (Sub-No. E149), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic synthetics, liquid ester gum, and rosin oil* (not including natural rosin), (1) from points in Georgia on and south of a line beginning at the Georgia-Florida State line near Clyattville, Ga., thence over Georgia Highway 31 to Valdosta, Ga., thence over U.S. Highway 84 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points in Alabama; and (2) from Savannah, Ga., and points within 10 miles thereof, to points in Alabama on and south of a line beginning at the Georgia-Alabama State line near Eufaula, Ala., thence over U.S. Highway 82 to Montgomery, Ala., thence over U.S. Highway 31 to Birmingham, Ala., thence over U.S. Highway 78 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Valdosta, Ga.

No. MC 112520 (Sub-No. E150), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, (1) from points in Georgia on and south of a line beginning at the Georgia-Florida State line near Valdosta, Ga., thence over Interstate Highway 75 to Cordele, Ga., thence over U.S. Highway 280 to McRae, Ga., thence south over U.S. Highway 341 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points

in Alabama; and (2) from Savannah, Ga., and points within 10 miles thereof, to points in Alabama on, south and west of a line beginning at the Georgia-Alabama State line, thence over U.S. Highway 280 to Birmingham, Ala., thence over U.S. Highway 31 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Albany, Ga.

No. MC 112520 Sub-No. E151), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Georgia on and south of a line beginning at the Georgia-Florida State line near Beachton, Ga., thence over U.S. Highway 319 to Moultrie, Ga., thence over Georgia Highway 33 to Cordele, Ga., thence east over U.S. Highway 280 to Abbeville, Ga., thence over U.S. Highway 129 to Ocilla, Ga., thence over Georgia Highway 32 to Anguilla, Ga., thence over Georgia Highway 99 to Broadfield, Ga., thence over U.S. Highway 17 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateway of points in Dougherty or Bacon Counties, Ga.

No. MC 112520 (Sub-No. E152), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, from points in Georgia on and south of a line beginning at the Georgia-Alabama State line, thence over Georgia Highway 27 to Richland, Ga., thence over U.S. Highway 280 to Cordele, Ga., thence over U.S. Highway 41 to Tifton, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 23 to the Georgia-Florida State line, to points in Maryland. The purpose of this filing is to eliminate the gateway of points in Lowndes County, Ga.

No. MC 112520 (Sub-No. E153), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, (1) from points in Georgia on and south of a line beginning at the Georgia-Florida State line, thence over U.S. Highway 319 to Moultrie, Ga., thence over Georgia Highway 37 to Lakeland, Ga., thence over U.S. Highway 221 to Pearson, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 84 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points in Tennessee on and west of a line beginning at the Tennessee-North Carolina State line, thence over U.S. Highway 129 to Knoxville, Tenn., thence over U.S. Highway 25w to the Tennessee-Kentucky State line, and (2) from Savannah, Ga., and points within 5 miles thereof, to points in Tennessee west of a line beginning at the Tennessee-Mississippi State line, thence over Tennessee Highway 18 to junction U.S. Highway 45, thence over U.S. Highway 45 to Milan, Tenn., thence over U.S. Highway 79 to junction Tennessee Highway 69, thence over Tennessee Highway 69 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Lowndes County, Ga.

No. MC 112520 (Sub-No. E154), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means* (except tall oil and naval stores), in bulk, in tank vehicles, from points in Georgia and south of a line beginning at the Georgia-Florida State line, thence over Georgia Highway 91 to Donalsonville, Ga., thence over U.S. Highway 84 to Thomasville, Ga., thence over U.S. Highway 19 to the Georgia-Florida State line, to points in Illinois on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E155), filed January 3, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, (1) from points in Georgia on and south of a line beginning at the Georgia-Florida State line, thence over Georgia Highway 62 to junction Georgia Highway 91, thence over Georgia Highway 62 to junction Georgia Highway 91, thence over Georgia Highway 91 to Albany, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 23 to the Georgia-Florida State line, to points in West Virginia; and (2) from Brunswick, Ga., to points in West Virginia north of West Virginia Highway 7. The purpose of this filing is to eliminate the gateway of points in Lowndes County, Ga.

No. MC 112520 (Sub-No. E156), filed January 4, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil obtained by chemical means*, in bulk, in tank vehicles, (1) from points in Georgia on and south of a line beginning at the Georgia-Florida State line, thence over U.S. Highway 319 to Tifton, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 84 to Brunswick, Ga., thence over toll road to St. Simons Island, Ga., to points in Alabama; and (2) from Savannah, Ga., to points in Alabama on, west and south of a line beginning at the Georgia-Alabama State line, thence over U.S. Highway 82 to Montgomery, Ala., thence over U.S. Highway 78 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Colquitt County, Ga.

No. MC 112520 (Sub-No. E158), filed January 4, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Georgia on and east of a line beginning at the Georgia-Florida State line, thence over U.S. Highway 23 to Alma, Ga., thence over Georgia Highway 32 to junction Interstate Highway 75, thence over Georgia Highway 75 to Cordele, Ga., thence over U.S. Highway 280 to Pembroke, Ga., thence over Georgia Highway 119 to the Georgia-South Carolina line, to points in Alabama. The purpose of this filing is to eliminate the gateway of points in Sumter County, Ga.

No. MC 112520 (Sub-No. E158), filed January 4, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida on and west of a line beginning at Port St. Joe, Fla., and extending over Florida Highway 71 to Blountstown, Fla., thence over Florida Highway 69 to Greenwood, Fla., thence over Florida Highway 71 to the Alabama-Florida State line, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E160), filed January 4, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, from points in Florida on and west of a line beginning at Port St. Joe, Fla., and extending over Florida Highway 71 to Blountstown, Fla., thence over Florida Highway 69 to Greenwood, Fla., thence over Florida Highway 71 to the Alabama-Florida State line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E161), filed January 5, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida east of Florida Highway 85, (except from points in Hillsborough, Manatee and Polk Counties, Fla.) and from New Wales and Eaton Park, Fla., to Bay Minette, Ala. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E162), filed January 5, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida west of a line beginning at Port St. Joe, Fla., and extending over Florida Highway 71 to Blountstown, Fla., thence over Florida Highway 69 to Greenwood, Fla., thence over Florida Highway 71 to the Alabama-Florida State line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E163), filed January 5, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida on and west of a line beginning at Port St. Joe, Fla., and extending over Florida Highway 71 to Blountstown, Fla., thence over Florida Highway 69 to Greenwood, Fla., thence over Florida Highway 71 to the Florida-Alabama State line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E164), filed January 5, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida (except from points in Hillsborough, Polk and Manatee Counties, Fla.) and from Eaton Park and New Wales, Fla., to points in Texas. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E165), filed January 4, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida (except from points in Hillsborough, Polk and Manatee Counties, Fla.) and from Easton Park and New Wales, Fla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E166), filed January 4, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida on and west of a line beginning at Port St. Joe, Fla., and extending over Florida Highway 71 to Blountstown, Fla., thence over Florida Highway 69 to Greenwood, Fla., thence over Florida Highway 71 to the Florida-Alabama State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112520 (Sub-No. E167), filed January 4, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Florida (except from points in Hillsborough, Polk and Manatee Counties, Fla.) and from Eaton Park and New Wales, Fla., to points in Alabama south of a line beginning at the Alabama-Mississippi State line near Tanner Williams, Ala., thence over Alabama Highway 56 to Mobile, Ala., thence over U.S. Highway 31 to Junction Interstate Highway 10 near Spanish Fort, Ala., thence over Interstate Highway 10 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 112801 (Sub-No. E9), (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER March 25, 1975. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representatives: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with petroleum base, in bulk); from points in Wisconsin on and west of U.S. Highway 51 to that part of Ohio on, east, and south of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Decatur, Ill. The purpose of this correction is to correct the omission of Wisconsin.

No. MC 115331 (Sub-No. E22), filed May 7, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 66201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, Limestone, sand and fly ash*, in bulk, fom points in Illinois beginning at the Illinois-Missouri State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and west of Interstate Highway 57 to the Illinois-Missouri State line, to points in Iowa. The purpose of this filing is to eliminate the gateway of Pike County, Mo. (2) *Lime*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and west of Interstate Highway 57 to the Illinois-Kentucky State line, to points in Minnesota and South Dakota, restricted against the transportation of lime and limestone products in bags to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pike County, Mo., and Davenport, Iowa. (3) *Lime and limestone*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and west of Interstate Highway 57 to the Illinois-Kentucky State line, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pike County, Mo., and Adams County, Ill.

(4) *Lime, limestone and limestone products*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and west of Interstate Highway 57 to the Illinois-Kentucky State line, to points in Colorado, Montana, Wyoming and North Dakota. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (5) *Lime*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and east of Interstate Highway 57 to the Illinois-Kentucky State line to points in Minnesota and South Dakota. Restriction: The authority granted herein is restricted against the transportation of lime and limestone products in bags to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pike County, Mo., and Davenport, Iowa. (6) *Lime and Limestone*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and east of Interstate Highway 57 to the Illinois-Kentucky State line, to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pike County, Mo., and Adams County, Ill. (7) *Lime, limestone and limestone products*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and south of Interstate Highway 70 to its junction with Interstate Highway 57, thence on and east of Interstate

Highway 57 to the Illinois-Kentucky State line, to points in Colorado, Montana, Wyoming and North Dakota. The purpose of this filing is to eliminate the gateway of Hannibal, Mo.

(8) *Lime and limestone*, in bulk, from points in Illinois bounded by a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 70 to junction U.S. Highway 51, thence along U.S Highway 51 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to the point of beginning, to points in Iowa beginning at the Iowa-Missouri State line extending on and west of U.S. Highway 218 to its junction with U.S. Highway 63, thence on and west of U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Pike County, Mo.

(9) *Lime*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in South Dakota and points in Minnesota beginning at the Minnesota-Iowa State line extending on and west of U.S. Highway 63 to the Minnesota-Wisconsin State line. Restriction: The authority granted herein is restricted against the transportation of lime and limestone products in bags to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pike County, Mo., and Davenport, Iowa.

(10) *Lime and limestone*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in Nebraska and points in Kansas beginning at the Kansas-Missouri State line extending on and north of U.S. Highway 54 to its junction with Interstate Highway 35, thence on and west of Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Pike County, Mo. and Adams County, Ill.

(11) *Lime, limestone and limestone products*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in Oklahoma beginning at the Oklahoma-Kansas State line extending on and west of Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (12) *Lime and lime products*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo. (13) *Lime*, (except lime used for agricultural purposes), in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in Arizona, points in Louisiana beginning at the Louisiana beginning at the Louisiana-Arkansas State line extending on and west of U.S. Highway 165 to the Gulf of Mexico, points in Texas beginning at the Texas-Oklahoma State line (except Houston and points in Texas within 50 miles thereof), and points in New Mexico beginning at the New Mexico-Texas State line extending on and south of U.S. Highway 60 to its junction with U.S. Highway 285, thence on and west of U.S. Highway 285 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateways of Ste. Genevieve, Mo. and Limedale, Ark.

(14) *Lime, limestone and limestone products*, in bulk, from points in Illinois beginning at the Illinois-Indiana State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and east of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Indiana State line, to points in Colorado, Montana, Wyoming and North Dakota. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (15) *Lime, limestone, sand, gravel and fly ash, in bulk*, from points in Illinois bounded by a line beginning at the Illinois-Missouri State line extending on and north of Itnerstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Missouri State line, thence along the Illinois-Missouri State line to the point of beginning, to points in Iowa. The purpose of this filing is to eliminate the gateway of Pike County, Mo. (16) *Lime*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36 to the Illinois-Missouri State line, to points in Minnesota, South Dakota and points in Wisconsin beginning at the Wisconsin-Illinois State line extending on and west of U.S. Highway 41 to the Wisconsin-Michigan State line. Restriction: The authority granted herein is restricted the transportation of lime and limestone products in bags to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pike County, Mo. and Davenport, Iowa.

(17) *Lime and limestone*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of US. Highway 36 to the Illinois-Missouri State line, to points in Nebraska and points in Kansas, beginning at the Kansas-Missouri State line extending on and north of U.S. Highway 54 to its junction with Interstate Highway 35, thence on and west of Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Pike County, Mo. and Adams County, Ill. (18) Lime, limestone and limestone products, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36 to the Illinois-Missouri State line, to points in Oklahoma beginning at the Oklahoma-Kansas State line extending on and west of Interstate Highway 35 to its junction with Interstate Highway 40, thence on and south of Interstate Highway 40 to the Oklahoma-Missouri State line. The purpose of this filing is to eliminate the gateway of Hannibal, Mo. (19) *Lime and limestone products*, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Missouri State line, to points in Arkansas and Tennessee. The purpose of this filing is to eliminate the gateway of Ste. Genevieve, Mo.

(20) *Lime*, (except lime used for agricultural purposes), in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Missouri State line, to points in Louisiana, points in New Mexico beginning at the New Mexico-Texas State line extending on and south of U.S. Highway 60 to its junction with Interstate Highway 85, thence on and west of Interstate Highway 85 to its junction with U.S. Highway 66, thence on and south of U.S. Highway 66 to the New Mexico-Arizona Highway 89, thence on and west of U.S. Highway 89 to the Arizona-Utah State line, and points in Texas beginning at the Texas-New Mexico State line extending on and south of U.S. Highway 70 to the Texas-Oklahoma State line (except Houston and points in Texas within 50 miles thereof). The purpose of this filing is to eliminate the gateways of Ste. Genevieve, Mo. and Limedale, Ark. (21) *Lime*,

limestone and limestone products, in bulk, from points in Illinois beginning at the Illinois-Missouri State line extending on and north of Interstate Highway 70 to its junction with U.S. Highway 51, thence on and west of U.S. Highway 51 to its junction with U.S. Highway 36, thence on and south of U.S. Highway 36 to the Illinois-Missouri State line, to points in Colorado, Montana, Wyoming, and North Dakota. The purpose of this filing is to eliminate the gateway of Hannibal, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–11554 Filed 4–20–76;8:45 am]

federal register

WEDNESDAY, APRIL 21, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

HEARING AID DEVICES

Proposed Professional and Patient Labeling and Conditions for Sale

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 801]

[Docket No. 76N-0019]

HEARING AID DEVICES

Professional and Patient Labeling and Conditions for Sale

The Food and Drug Administration (FDA) is proposing to establish uniform professional patient labeling requirements and conditions for sale for hearing aid devices. Comments on the proposal may be submitted by June 21, 1976.

The proposed regulations would: (1) Prescribe the types of information that must be included in the labeling to provide hearing health professionals and patients with adequate directions for the safe and effective use of a hearing aid; (2) specify the technical performance data that must be included in the labeling to assure that hearing health professionals have adequate information correctly to select and fit a hearing aid; and (3) restrict the sale of a hearing aid to those patients who have undergone medical evaluation within the past 6 months, but with provision that fully informed adult patients may waive the medical evaluation if one of seven designated ear conditions is present at the time of purchase.

The Commissioner of Food and Drugs proposes to make the final regulations effective 180 days after the date of their publication in the FEDERAL REGISTER.

BACKGROUND

In October 1973, the Retired Professional Action Group, a consumer advocacy organization, undertook a detailed study of the hearing aid delivery system in the United States and published its findings in a report entitled, "Paying Through the Ear: A Report on Hearing Health Care Problems" (Ref. 1). At approximately the same time, the Subcommittee on Consumer Interests of the Elderly of the Special Committee on Aging, United States Senate, held upon hearings on "Hearing Aids and the Older American" which also focused on problems associated with the delivery of quality hearing aid health care (Ref. 2).

In March 1974, the Secretary, Department of Health, Education, and Welfare (HEW) established the Intradepartmental Task Force on Hearing Aids, hereinafter referred to as the "Task Force" (Ref. 3). Because hearing aids were medical devices regulated under the Federal Food, Drug, and Cosmetic Act, FDA was directed to oversee the deliberations of the Task Force. David M. Link, Acting Director of FDA's Bureau of Medical Devices and Diagnostic Products (BMDDP) was selected chairman.

The Secretary charged the Task Force to examine the issues related to the delivery of quality hearing aid health services as described in the Retired Professional Action Group report and the Senate hearings, to determine the role that Departmental authorities and resources should play in remedying problems in the hearing health care delivery system, and to recommend a feasible course of action to the Secretary.

After studying the Retired Professional Action Group report, the Senate hearings, and materials submitted by interested parties, and after taking testimony from individuals and organizations having a special knowledge of the hearing health delivery system, the Task Force prepared a preliminary report in September 1974 entitled, "A Report on Hearing Aid Health Care" (Ref. 4, App. A).

This report was circulated within the Department for comment, and in October 1974 the "Supplementary Report on Hearing Aid Health Care" was prepared by the Task Force (Ref. 4, App. B).

The preliminary and supplementary reports were submitted to the Secretary for his review. He concluded, in view of the importance of the issues involved, that the public should have an opportunity to comment on the reports. A Notice of Availability of the Preliminary and Supplementary Reports was published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38123). This notice invited interested persons to submit written comments on these reports on or before December 30, 1974. The period for filing comments was later extended to February 24, 1975 by notice published in the FEDERAL REGISTER of January 23, 1975 (40 FR 3630).

Approximately 5,000 letters were received from consumers, consumer groups, health professionals, hearing aid dealers, hearing aid dealer associations, speech and hearing center personnel, physicians, educational center personnel, and manufacturers. The written comments, as well as a summary of them, are on file for public review in the office of the Hearing Clerk, Food and Drug Administration (Ref. 4, App. C). In addition, several organizations requested an opportunity to appear before the Task Force and present testimony on the reports.

On April 18, 1975, a notice was published in the FEDERAL REGISTER (40 FR 17305) announcing that the Task Force would hold a public hearing on May 7, 1975. At this public hearing, testimony was presented by representatives of the Hearing Aid Industry Conference, the Greater Philadelphia Hearing Aid Guild, the National Hearing Aid Society, the American Speech and Hearing Association, the Retired Professional Action Group, the American Council of Otolaryngology, several manufacturers and several consumer interest groups (Ref. 4, App. D).

On August 4, 1975, the Task Force completed its study of the hearing aid health care delivery system and transmitted to the Secretary its "Final Report to the Secretary on Hearing Aid Health Care" (Ref. 4). The recommendations in the report were based on the many suggestions for improving the quality of hearing aid health care presented by interested parties during the period for written comment and during the public hearing. The final recommendations took into account the many differing viewpoints considered by the Task Force during the study. On September 26, 1975, the Secretary accepted the final report and charged the office of the Assistant Secretary for Health with the responsibility for implementing the final Task Force recommendations. Subsequently, FDA advised the office of the Assistant Secretary for Health that the agency would develop regulations for hearing aids in response to the Task Force recommendations.

HEARING IMPAIRMENT IN THE UNITED STATES

Hearing impairment is one of the most prevalent chronic conditions in the United States. According to a 1971 Health Survey Report prepared by the National Center for Health Statistics, there are an estimated 14.5 million individuals with hearing impairments in the United States (Ref. 5).

The elderly are especially susceptible to hearing loss problems. Age-specific prevalence data collected during the 1971 Health Survey Report indicates that over 5.5 million Americans with hearing impairments are in the 65-plus age group. This amounts to more than 28 percent of the total population over 65 years of age who are affected with some type of hearing loss (Ref. 5).

There are two main types of hearing impairments, namely, conductive hearing loss and sensorineural hearing loss. Conductive hearing loss, the less common, affects the outer or middle ear and results when sound waves are not properly transported or conducted to the inner ear. Causes include an accumulation of ear wax (cerumen), ear infection, immobilization of the bone in the middle ear, and punctured eardrum. Sensorineural hearing loss, or nerve deafness, occurs when soundwaves are conveyed to the inner ear but then are not correctly transformed into nerve impulses. Sensorineural hearing loss is caused by deterioration of sensory cells in the cochlea or in the auditory nerve. There are many causes of sensorineural hearing loss. Two of the most common causes are the aging process and sudden or extended exposure to noise. Other causes include childhood diseases such as mumps or measles, German measles during pregnancy, meningitis or other illness, use of certain drugs, heredity, head injuries, blows on the ear, tumors, and birth defects.

HEARING HEALTH CARE TEAM

A person suspecting a hearing impairment may seek assistance from one or more hearing health professionals. These include general practitioners and physicians who specialize in diseases of the ear, clinical audiologists, and hearing aid specialists or dealers.

Physicians are licensed by State law to practice medicine. Often a patient may consult a general practitioner or family physician concerning a hearing loss. The family physician may conduct a general physicial examination of the patient and may also recommend consultation with a specialist.

Physicians specializing in diseases of the ear, known as otologists, otolaryngologists, or otorhinolaryngologists, are medically trained to identify the symptoms of deafness in the context of the total health of the patient, and are qualified by special training to diagnose and treat hearing loss. Groups such as the American Academy of Ophthalmology and Otolaryngology and the American Council of Otolaryngology represent the professional interests of these physicians.

The clinical audiologist, or audiologist, is an individual qualified to provide professional assistance concerning communication problems associated with hearing impairment. The clinical audiologist usually possesses graduate professional training in the prevention, identification, and assessment of hearing impairment. The clinical audiologist either holds the Certificate of Clinical Competence in Audiology granted by the American Speech and Hearing Association or meets equivalent requirements for this certificate.

The hearing aid dealer or specialist is an individual engaged in the practice of fitting and selling hearing aids to individuals with impaired hearing. The practice of fitting and selling hearing aids includes testing hearing for purposes of selecting and adapting hearing aids. The practice also includes making impressions for earmolds, and counseling and instructing prospective users on the selection, adaptation, and use of hearing aids. Some hearing aid dealers have been certified through the National Hearing Aid Society, an association for hearing aid dealers, by completing a 20-week home study course, passing an examination, and meeting requirements for experience and ethics. Forty States currently have licensing laws that legally define the role and responsibility of hearing aid dealers and provide sanctions against incompetence or unethical conduct. Some of these State licensing laws require a hearing aid dealer to assure that a patient has obtained a medical evaluation by a physician before the patient may be sold a hearing aid. The provisions of the licensing laws of the 40 States vary widely in the types of requirements placed upon the hearing aid dealer.

The Hearing Aid Industry Conference estimates that only 25 percent of those individuals who would benefit from medical or surgical treatment or use of a hearing aid have received health care to improve or correct their hearing problems. According to the Hearing Aid Industry Conference, over 11.5 million hearing impaired individuals have not received medical attention to determine what steps can be taken to improve their hearing (Ref. 6).

Often a person with a hearing loss can benefit from the use of a hearing aid. Unfortunately, hearing aids are sometimes dispensed to individuals who may not benefit from the use of such device, such as individuals with a total sensorineural hearing loss. Some individuals are sold the wrong type of hearing aid, and, most tragically, some individuals with remediable ear disease go undiagnosed, trying one hearing aid after another until the disease is no longer remediable (Ref. 7).

Task Force Findings and Recommendations

The Task Force found that the misevaluation of a patient's need for a hearing aid and the subsequent sale of a hearing aid that is ineffective, and possibly unsafe, for its intended use are major problems in the present haring aid delivery system. While exact figures are not available on how often patients are advised to buy hearing aids when they will be of no benefit in corecting hearing impairment, studies undertaken by consumer interest groups in Minneapolis, New York City, Baltimore, and Detroit indicate that patients were sold hearing aids when they actually needed other kinds of treatment (Ref. 7).

The Task Force concluded that hearing impairment is a major public health problem requiring early medical intervention. Unfortunately, many individuals with hearing impairment do not obtain a medical evaluation of their hearing impairment prior to the purchase of a hearing aid. Available hearing aid industry data indicate that approximately 40 percent of those individuals who buy hearing aids consult solely with a hearing aid dealer before making the purchase (Ref. 8).

In its final report to the Secretary, the Task Force characterized the lack of medical attention to conditions and disorders that may be associated with the loss of hearing as a barrier to the receipt of quality hearing aid health care. The Task Force found that the etiology of a hearing impairment is such that the lay person cannot differentiate, diagnose, evaluate, and properly treat a hearing impairment. The untimely substitution of an unnecessary or partially necessary hearing aid for primary medical or surgical treatment may either delay or deprive the hearing impaired person from receiving appropriate medical care. The Task Force concluded that this delay or deprivation could be hazardous and unsafe to the patient.

The Task Force has recommended that FDA use its authority under the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder to restrict the sale of a hearing aid to those individuals who have received a medical evaluation, with the provision that any prospective hearing aid user, 18 years or older, or parent or guardian, should be permitted to waive the medical evaluation requirement provided that none of seven designated otological conditions are evident at the time of sale of the hearing aid. The Task Force recommended that a person exhibiting any of these seven conditions not be allowed to exercise the waiver but be required to secure a medical evaluation prior to buying a hearing aid, because any one of these conditions indicates that the hearing loss may be symptomatic of a more critical medical dysfunction that warrants other or additional treatment.

The Task Force explained in the final report that the provision for waiver of the medical evaluation requirement was intended to take into consideration such factors as the inconvenience of securing medical assistance in rural locations and the religious beliefs of some hearing impaired individuals which permit use of hearing aids but preclude consultation with a physician. The provision for such a waiver had been supported before the Task Force report by the National Hearing Aid Society, the Hearing Aid Industry Conference, the American Council of Otolaryngology, the Retired Professional Action Group, and the Greater Philadelphia Hearing Aid Guild.

The Task Force also recommended that FDA develop, promulgate, and enforce hearing aid labeling regulations. This recommendation was based upon the "1974 FDA Report on Hearing Aid Label Review." That report concluded that the labeling of many hearing aids did not comply with the misbranding provisions of the Federal Food, Drug, and Cosmetic Act in that the labeling generally contained numerous false or misleading statements, lacked precise otologic indications for use, and omitted necessary warning and cautionary statements, including warnings against use in those pathological conditions in which use may be dangerous (Ref. 9). The report contained evaluations of hearing aid labeling collected by FDA during inspections of hearing aid manufacturers and importers and concluded that, because there are more than 1,200 models of hearing aids, it would not be feasible to approach labeling problems on a case-by-case basis. Accordingly, uniform labeling for these products was recommended. The FDA report also supported a requirement that hearing aids be sold to patients only by or on order of a licensed physician, since lay persons are incapable of diagnosing or treating conditions that led to hearing loss and cannot determine whether hearing aids would be effective treatment. Thus, adequate directions for over-the-counter sale of hearing aids could not be written which would enable patients to use hearing aids safely and effectively for the intended purpose. Finally, the FDA report expressed concern that the health of patients may be impaired by the untimely substitution of unnecessary or partially necessary hearing aids for appropriate medical or surgical treatment.

Commissioner's Determination

The Commissioner has determined that it would be in the public interest to act on the recomendations in the "Final Report to the Secretary on Hearing Aid Health Care" and the "1974 FDA Report on Hearing Aid Label Review." Accordingly, the Commissioner is proposing a

new § 801.420 (21 CFR 801.420) to establish uniform professional and patient labeling requirements for hearing aid devices and a new § 801.421 (21 CFR 801.-421) to establish conditions for sale of hearing aids, including a general requirement of medical evaluation prior to hearing aid sale. The Commissioner's determination was reached after a lengthy and deliberate process, summarized above, that involved participation by interested parties including manufacturers, physicians (including ear specialists), clinical audiologists, hearing aid specalists, consumer interest groups, and hearing aid users.

RELATED ACTIVITIES

FDA is also engaged in other activities relating to regulation of hearing aids. On March 10, 1975, the FDA Panel on Review of Ear, Nose, and Throat Devices made a preliminary recommendation that hearing aids be classified as devices for which performance standards will be required after enactment of proposed medical device legislation (S. 510, H.R. 11124). Of all devices placed in the standards category by the Panel on Review of Ear, Nose, and Throat Devices, hearing aids were ranked as the first priority for the establishment of standards. FDA has been working with interested persons to develop a standard for hearing aids. At FDA's suggestion, the American National Standards Committee on Bioacoustics (S–3), through its Working Group on Hearing Aids (S3–48), has developed a draft standards, known as S 3.22, 1976, American National Standard for Specification of Hearing Aid Characteristics, which would specify uniform methods for testing and measuring the electroacoustical characteristics and properties of the hearing aid (Ref. 10). The standard was based in part on earlier American National Standards (Ref. 11 and 12). Although these proposed regulations do not adopt any minimum or maximum performance requirements for hearing aids, under proposed § 801.420 (c) (3), the technical data that would be required in hearing aid labeling would be determined in accordance with the test methods of the standard S 3.22, 1976.

The Federal Trade Commission (FTC) has proposed a Trade Regulation Rule for the Hearing Aid Industry concerning sale of hearing aid devices (published in the FEDERAL REGISTER of June 24, 1975 (40 FR 26646)) and announced in the FEDERAL REGISTER of December 30, 1975 (40 FR 59746) that it will hold public hearings on the proposed rule. FDA has cooperated with FTC in the development of its rule, which FDA regards as consistent with these proposed FDA regulations.

LEGAL AUTHORITY

As indicated earlier in this preamble, any hearing aid is a device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)). The proposed regulations are authorized by section 701(a) of the act (21 U.S.C. 371(a)), which permits promulgation of regulations for the efficient enforcement of the act. The proposed regulations are also authorized by, and would implement, the device misbranding provisions of the act that: (1) Prohibit false or misleading statements in labeling, pursuant to section 502(a) (21 U.S.C. 352(a)); (2) require disclosure of material facts to assure that labeling is not misleading, pursuant to sections 502(a) and 201(n) (21 U.S.C. 352(a) and 321(n)); (3) require labeling to include adequate directions for use, pursuant to section 502(f) (21 U.S.C. 352(f)); and (4) authorize restrictions on sale or distribution needed to assure that a device is sold to persons for whom adequate directions can be written, pursuant to section 502(f) (21 U.S.C. 352(f)). After the final regulations become effective, they may be enforced by means of seizure of hearing aids, pursuant to section 304 (21 U.S.C. 334); a suit for injunction, pursuant to section 302 (21 U.S.C. 332); or by criminal prosecution, pursuant to section 303 (21 U.S.C. 333). Violation of these regulations may also result in issuance of a regulatory letter or a demand for product recall in accordance with current procedures in FDA's Regulatory Procedures Manual, soon to be the subject of regulations published for comment in the FEDERAL REGISTER. FDA expects to cooperate with counterpart agencies at the State level in enforcing the proposed requirements. Consumer complaints to FDA and State agencies will be important in identifying sellers who violate the conditions for sale of hearing aids.

FDA's authority to regulate medical devices, including hearing aids, will be considerably strengthened by the enactment of proposed medical device legislation (S. 510 and H.R. 11124) now pending in Congress. This proposed legislation will give FDA explicit authority to establish standards for medical devices and to place conditions upon sale or distribution of a device. After enactment of this legislation and upon the effective date of the final regulations, any hearing aid would be considered a "restricted device" for purposes of the proposed new provisions of the act governing advertising control, registration, and factory inspection (S. 510 and H.R. 11124). The labeling and distribution of hearing aids would be governed by proposed §§ 801.420 and 801.421, rather than the requirements of § 801.109 (21 CFR 801.109) that presently apply to other prescription devices.

DISCUSSION OF PROPOSED REGULATIONS

Proposed § 801.420(a)(1) defines "hearing aid" and is identical to the definition in the regulations proposed by the Federal Trade Commission (FTC), published in the FEDERAL REGISTER of June 24, 1975 (40 FR 26646).

Proposed § 801.420(a)(2) defines "seller" as any person, partnership, corporation, or association engaged in the sale, lease, or rental of hearing aids to any member of the consuming public, or any employee, agent, salesperson, and/or representative of such a person, partnership, corporation, or association. Generally, the term "seller" will apply to those businesses, enterprises and individuals commonly known as hearing aid dealers or specialists.

Proposed § 801.420(a)(3) defines "sale" and "purchase" to include any lease or rental of a hearing aid. The proposed definitions of "seller," "sale," and "purchase" are adapted from the proposed FTC regulations.

Proposed § 801.420(b)(1) would require that hearing aids be clearly and permanently marked with the name of the manufacturer or distributor, the model name, the serial number, and the month and year of manufacture. These requirements would assure that the hearing aid is adequately identified for quality control and repair purposes. The inclusion of this information is essential in the event that a product defect is discovered which warrants recall of the device. This information would allow the manufacturer and recipients of the device that is being recalled to identify specifically those products that should be returned to the factory or repaired. This information will also assure that there is adequate product identification on the hearing aid itself to facilitate servicing and repair. Hearing aid dealers have informally reported to FDA that they are sometimes unable to service a hearing aid because the device does not carry enough information to identify the make and model name. The requirement to include the month and year of manufacture on the hearing aid also helps protect the hearing aid user from false and misleading representations concerning the newness of the device. Hearing aid users have complained to FDA that hearing aids have been offered for sale as new, although they are not the most recent models, and that prospective users have been misled into believing that a hearing aid is a new invention or involves a new scientific principle when such is not the fact.

Proposed § 801.420(b)(2) would require that hearing aids be clearly and permanently marked with a "+" symbol to indicate the positive connection for battery insertion, unless it is physically impossible to insert the battery in the reversed position. Since a hearing aid will not function unless the batteries are properly positioned, the marking of a hearing aid with a "+" symbol will assist the patient, particularly the elderly patient, to accomplish successfully the recurring taks of replacing batteries and thus to determine whether the hearing aid is functioning.

Proposed § 801.420(c) describes the information that must be included in the labeling accompanying the hearing aid. Most of the required labeling information must be contained in a User Instructional Brochure that includes information for both patients and hearing health professionals. The User Instructional Brochure shall accompany the hearing aid and be provided to the user by the seller of the hearing aid.

The Commissioner is of the opinion that the promulgation of a uniform pro-

fessional and patient labeling regulation, which explicitly identifies the required labeling requirements, will assure that all hearing aid manufacturers provide information that is adequate for the safe and effective use of hearing aids by both hearing health professionals and patients. These proposed labeling requirements are based, in part, on the FDA report on Hearing Aid Label Review discussed earlier in this preamble (Ref. 9). Much of the hearing aid labeling reviewed in preparing the FDA report was in the form of an instructional brochure for users, and some such labeling contained a portion of the information to be required by proposed § 801.420(c), such as illustrations of the hearing aid and certain maintenance instructions. However, no manufacturer included all of the information in the labeling that FDA considers necessary for the safe and effective use of hearing aids. Requiring a single User Instructional Brochure, rather than separate labeling for hearing health professionals and patients, provides the manufacturer with a convenient method for providing the required information.

Proposed § 801.420(c)(1) (i) through (iii) would require that the User Instructional Brochure contain an illustration of the hearing aid to indicate operating controls, adjustments, and battery compartments; information on the function of all controls intended for user adjustment; and a description of any accessories which accompany the hearing aid, e.g., accessories for use with a television or telephone. Because FDA considers this information essential to the proper use and adjustment of the hearing aid, all manufacturers will be required to include such information in the User Instructional Brochure.

Proposed § 801.420(c)(1)(iv) would require that the User Instructional Brochure contain specific instructions concerning the use of a hearing aid, maintenance and care of the hearing aid, and replacing or recharging the batteries, including a list of suitable replacement batteries. Care and maintenance information is essential in assuring safe and effective use of a hearing aid and prolonging the life of a hearing aid. The requirement that manufacturers provide a list of suitable replacement batteries is the result of a finding of the FDA report on Hearing Aid Label Review that some hearing aid labeling is misleading in that it implies that only one type of brand-name battery is compatible with the hearing aid when actually any of a number of products would suffice. Also, it is conceivable that the hearing aid user will encounter situations where it is impossible or inconvenient to obtain a certain type of brand-name battery and will need to know alternative replacement batteries.

Proposed § 801.420(c)(1) (v) and (vi) would require information on how to obtain repair services and a description of environmental conditions, such as temperature, humidity, etc., that the hearing aid user might reasonably encounter which could adversely affect or damage the hearing aid. Since most hearing aids require some type of repair service during their expected lives, it is essential that the user to be provided with information on how to obtain repair services. Many manufacturers now include cautionary statements advising hearing aid users to avoid certain environmental conditions that could adversely affect or damage the hearing aid. The identification of such environmental conditions will provide the hearing aid user with information that could extend the life of the hearing aid and thus help assure safe and effective performance.

Proposed § 801.420(c)(1)(vii) would require the manufacturer to identify any known side effects from the use of a hearing aid that warrant consultation with a physician, e.g., skin irritation. The inclusion of information on possible side effects will alert the hearing aid user to those situations which warrant medical intervention.

Proposed § 801.420(c)(1)(viii) would require a statement that infrequent use of a hearing aid usually does not permit a user to attain full benefit from it. Such a statement in the labeling will help assure safe and effective use of hearing aids by alerting users to the fact that irregular use of a hearing aid may bring disappointing results. Paragraph (c)(1)(ix) would require a statement that the use of a hearing aid is only part of hearing habilitation and may need to be supplemented by auditory training and instruction in lipreading. Many manufacturers now include similar statements which advise hearing aid users that other kinds of hearing health care may be required in addition to a hearing aid. These statements are necessary to ensure that patients do not overestimate the value of a hearing aid or neglect other forms of hearing habilitation.

Proposed § 801.420(c)(1)(x) would require that the User Instructional Brochure contain certain specific caution statements set forth in paragraph (c)(2) (discussed in greater detail below in this preamble).

The further requirement in proposed § 801.420(c)(1)(xi) that manufacturers include in the User Instructional Brochure the text of proposed § 801.421 will assure that hearing health professionals and patients are aware of the conditions for sale of hearing aids under Federal law, as discussed in detail later in this preamble. The Task Force recommended that the patient and the hearing health professional be provided with a complete copy of the regulations describing the conditions for the sale of a hearing aid. The Task Force maintained that if hearing aid users were aware of the required conditions for sale, they could judge whether sellers are following them and thus aid in assuring compliance.

Finally, proposed § 801.420(c)(1)(xii) would require that the User Instructional Brochure include certain technical data unless such data are provided in separate labeling that accompanies the device. The technical data requirement is discussed in greater detail later in this preamble.

Proposed § 801.420(c)(2) prescribes four cautionary statements to be included in the User Instructional Brochure. The first cautionary statement reads, "Caution: The sale of hearing aids is restricted by Federal regulation." This statement informs the patient and hearing health professional that the sale of hearing aids is restricted by Federal regulation. The statement is analogous to that required for prescription devices in § 801.109 (21 CFR 801.109).

The second cautionary statement reads, "Caution: The Food and Drug Administration has determined that before purchasing a hearing aid, a patient should obtain a medical evaluation of the hearing impairment from a physician specializing in diseases of the ear (or from any licensed physician if no ear specialist is available) and an audiological evaluation by a clinical audiologist." This statement informs the patient of the steps he should take before purchasing a hearing aid. The medical evaluation by a physician referred to in the cautionary statement would protect the individual by ensuring that, before a decision is made to purchase a hearing aid, organic disorders that may effect hearing ability are treated. The recommendation of evaluation by a clinical audiologist provides assurance that the individual's hearing is evaluated by a professional who has the necessary training and qualifications to interpret results of audiological tests and to correctly determine hearing aid candidacy. Also, by consulting a clinical audiologist, the patient is exposed to the other professional services provided by clinical audiologists, such as guidance, counseling, and the development or remediation of communication skills of the hearing impaired. In recommending that a hearing-impaired patient obtain an audiological evaluation from a clinical audiologist, FDA recognizes that the minimum professional standards for clinical audiologists are considerably more rigorous than the minimum professional standards for hearing aid dealers. Although FDA is encouraged by recent actions of hearing aid dealers, associations and the National Hearing Aid Society to develop comprehensive competency requirements for the selection, fitting, and counseling of the hearing impaired, the agency believes it is in the best interest of the patient interested in a hearing aid to obtain an audiological evaluation from a clinical audiologist. An audiological evaluation by a clinical audiologist is only recommended, rather than required, to avoid creating a barrier to the receipt of hearing aid health care where clinical audiologists are not available.

The third cautionary statement reads, "Caution: A hearing aid will not restore normal hearing and will not prevent or improve organic conditions resulting in a hearing impairment." The Task Force recommended the inclusion of this cautionary statement in the labeling to protect the hearing impaired patient from false and misleading promotional practices that exaggerate expected benefits from using a hearing aid. FTC's June 24,

1975 proposal would require a similar statement in any advertisement where a performance claim is made for a hearing aid (40 FR 26650).

The fourth cautionary statement which applies only to hearing aids that have a maximum sound pressure capability greater than 132 decibels (dB), reads, "Caution: This hearing aid has a maximum sound pressure level capability greater than 132 decibels (dB). Special care should be exercised in selecting and fitting hearing aids of this type as there may be risk of impairing the remaining hearing of the hearing aid user." This statement would alert the hearing health professional and user to the special care that must be exercised in selecting and fitting hearing aids with maximum sound pressure level capabilities greater than 132 dB. The Academy of Rehabilitative Audiology, by unanimous vote, recommended that FDA include such a warning statement in hearing aid labeling because of the potential risk to residual hearing, particularly that of children.

Proposed § 801.420(c)(3) lists the requirements for technical data that must appear in the User Instructional Brochure or in other labeling that accompanies the device. Information on technical data, i.e., the electroacoustical characteristics and properties of the hearing aid, enables hearing aid professionals to properly select and fit hearing aids and may also be of value to informed patients. The list of technical data to be included in hearing aid labeling was developed in consultation with the Working Group on Hearing Aids (S 3–48) of the American National Standards Committee on Bioacoustics (S 3). The committee includes members representing hearing aid manufacturers, hearing aid dealers, clinical audiologists, and government agencies. In addition, FDA's Panel on Review of Ear, Nose, and Throat Devices, the Hearing Aid Industry Conference, the American Speech and Hearing Association, and many individual physicians, audiologists, and hearing aid dealers or specialists also assisted FDA in identifying the precise information needed by hearing health professionals on the electroacoustical properties and specifications of each hearing aid. The inclusion of technical data in the labeling enables the hearing aid professional to compare the performance of various hearing aids and to measure the actual performance of a particular hearing aid to determine if it is performing within labeled specifications and that the labeling is accurate and not false or misleading.

Proposed § 801.420(c)(3) would require that the determination of technical data for the hearing aid labeling shall be conducted in accordance with the test procedures of the draft standard, S 3.22 1976, American National Standard for Specification of Hearing Aid Characteristics, developed by the Working Group on Hearing Aids (Ref. 10). Interested parties, including manufacturers, hearing aid dealers, clinical audiologists, hearing aid users, and government agencies have had the opportunity to participate in the development of this standard, which specifies uniform methods for testing and measuring the performance parameters of a hearing aid and is expected to be formally adopted in the near future. Wherever possible, the standard adopts the procedures specified in earlier American National Standards, particularly S 3.3 1960 (R 1971). Methods for Measurement of Electroacoustical Characteristics of Hearing Aids, and S 3.8 1967 (R 1971), Method of Expressing Hearing Aid Performance (Refs. 11 and 12). The requirement that manufacturers use the American National Standard for Specification of Hearing Aid Characteristics in determining the technical data for the hearing aid labeling will assure that there is uniformity and comparability in testing and measuring the electroacoustical properties of hearing aids. Hearing health professionals who select and fit hearing aids consider it essential to the selection of the appropriate hearing aid that there be uniformity and comparability in testing and measuring hearing aid performance parameters. Adoption of the test procedures in this standard also provides FDA and State agencies with a uniform method for determining whether hearing aids perform as labeled and, thus, whether the labeling is false or misleading.

Proposed § 801.420(c)(4) would require that if a hearing aid has been used or rebuilt, this fact shall be declared on the container in which the hearing aid is packaged and on a tag which is physically attached to the hearing aid. This requirement is similar to one proposed by FTC and is prompted by a number of complaints to both agencies that used or rebuilt hearing aids have been offered for sale as new hearing aids. Used or rebuilt hearings aids may be sold by those hearing aid manufacturers and dealers who offer trial/rental plans that permit a patient to use a hearing aid for a length of time before deciding whether to purchase a hearing aid. Such manufacturers and dealers may seek to sell or rebuild used hearing aids that patients elected not to purchase. While this practice is not objectionable from a health standpoint, proposed § 801.420(c)(4) is necessary to assure that the prospective hearing aid user is not misled as to the kind of hearing aid that is offered for sale and knows when the device is used or rebuilt. The term "used" does not apply to hearing aids that have merely been tried on other patients for several minutes when consulting a hearing aid dealer. Because hearing aid manufacturers and distributors may not always know in advance which particular products may be used or rebuilt before being sold, hearing aid dealers will be principally responsible for assuring compliance with proposed § 801.420(c)(4).

Under proposed § 801.420(c)(5), the User Instructional Brochure may include statements and illustrations other than those required so long as they are not false or misleading in any particular or prohibited by FDA or FTC regulations.

Proposed § 801.421 establishes conditions for the sale of a hearing aid. Conditions for sale will include the requirement that a person must, as a general rule, have obtained a medical evaluation from a physician within the preceding 6 months before he is sold a hearing aid. The Commissioner has determined that these proposed conditions for sale are necessary to protect the health and safety of hearing impaired patients since patients, audiologists and hearing aid dealers are not able to differentiate, diagnose, evaluate, and treat the medical cause or causes of a hearing impairment.

The primary health concern underlying the medical evaluation requirement is not directly related to any direct risk to a user by the hearing aid itself, although powerful hearing aids which excessively amplify sound can seriously impair hearing. Rather, the medical evaluation requirement is based principally on the recognition that an unnecessary or partially effective hearing aid may be substituted for primary medical or surgical treatment, thus depriving the hearing impaired patient of the benefit of appropriate medical diagnosis and care and resulting in a detriment to health. In addition to delaying proper medical diagnosis and possibly reducing the efficacy of corrective treatment, the purchase of a hearing aid which cannot attain its intended effect undoubtedly involves a high and unnecessary cost to the consumer. The purpose of medical evaluation is to assure that all medically treatable conditions that may affect hearing are identified and treated before the hearing aid is purchased.

The medical evaluation requirement in proposed § 801.421 does not require the physician to prescribe or recommend any particular kind of hearing aid.

Under proposed § 801.421(a)(1), which prescribes the general rule, a seller shall not sell a hearing aid to any prospective user unless that person presents to the seller a written statement signed by a licensed physician indicating that there are no medical reasons why the prospective user should not be fitted with a hearing aid. As recommended by the Task Force, proposed § 801.421(a)(2) authorizes a seller to permit any prospective user 18 years of age or older to waive a medical evaluation. A number of organizations expressed to the Task Force their concern about the inconvenience of securing medical care in some sections of the country and about individual religious beliefs that permit use of hearing aids but preclude consultation with physicians. As recommended to the Task Force by the American Council of Otolaryngology, under proposed § 801.421(a)(3) the waiver provision would not apply where it is evident to the seller after inquiry, actual observation, and review of any available information concerning the prospective user that the prospective hearing aid user has any of seven designated otological conditions at the time of sale. Because the existence of any of these conditions may indicate that hearing loss is symptomatic of a

more critical medical dysfunction, and that other treatment is needed, sellers shall not sell a hearing aid to prospective users exhibiting any of these conditions who have not had the medical evaluation required under proposed § 801.421(a)(1).

The waiver of medical evaluation is not available for any person under the age of 18, regardless of whether the individual has any of the seven specified medical conditions. In this respect, the proposed regulation differs from the recommendations of the Task Force, which had contemplated that a parent or guardian of a child under 18 could waive the medical evaluation requirement. The Commissioner notes that a number of States have already adopted requirements that a child be examined by a physician and/or audiologist before sale of a hearing aid (Ref. 13). Moreover, for a child, there is special concern that medical conditions that led to hearing impairment be identified, diagnosed, and treated by a physician. In addition to the risk to a child's health because of undiagnosed and untreated conditions, there is concern that a child's untreated, or inadequately treated, hearing impairment may interfere with development of speech and language, learning, and normal adaptation to society.

Before a seller may permit a prospective user to waive medical evaluation, he must also inform the prospective user that FDA has determined that a medical evaluation by a physician, preferably one who specializes in diseases of the ear, would be in the user's best interests. Sellers shall not in any way actively encourage the prospective user to waive a medical evaluation and shall obtain a signed statement from the patient documenting the waiver of medical clearance.

Proposed § 801.421(a)(4) would clarify that States may impose more stringent requirements than are proposed in this section. In addition, more stringent requirements may, of course, continue to be imposed by Federal and State agencies that purchase hearing aids to maintain high quality hearing health service and to assure the proper use of public funds. FDA is aware that several States have established requirements for screening and diagnosis of hearing impaired patients which include medical and/or audiological evaluation prior to the receipt of a hearing aid.

Proposed § 801.421(b) would require that the seller read and explain to the purchaser, orally or in the predominant method of communication used during the sale, such as sign language, the caution statements required by proposed § 801.420(c)(2). In addition, the seller must provide the prospective user a copy of the User Instructional Brochure for a hearing aid and afford him an opportunity to read it. These requirements apply whether or not the prospective user has undergone medical evaluation required by proposed § 801.421(a)(1) and must be met before the seller may permit the patient to sign any waiver statement and before completion of any hearing aid sale. Both of these requirements are intended to ensure that information essential to the safe and effective use of a hearing aid is brought to the attention of hearing aid users before the sale of hearing aids and to aid in ensuring compliance with proposed § 801.421.

Under proposed § 801.421(c), upon the request of an individual considering purchasing a hearing aid, the seller of the hearing aid shall provide either a copy of the User Instructional Brochure or the name and address of the manufacturer or distributor from whom a User Instructional Brochure for the hearing aid may be obtained. Proposed § 801.421(c) also requires hearing aid manufacturers and distributors to provide a copy of the User Instructional Brochure to any hearing aid professional or user, or prospective user, upon request. Manufacturers and distributors must also provide sellers with ample copies of the User Instructional Brochure for hearing aids they manufacture or distribute. These requirements are necessary to ensure that patients can receive adequate information about hearing aids to help in making a wise decision whether to consult a physician or audiologist about purchasing a hearing aid. Since the proposed regulation will not adopt a universal medical evaluation requirement for purchase of a hearing aid, it is essential that prospective users be able to inform themselves about these devices.

To aid FDA and State agencies in determining compliance with proposed § 801.421, proposed § 801.421(d) requires sellers to maintain a copy of the physician's statement showing that a patient has had a medical evaluation, or of the patient's statement waiving medical evaluation, for a period of 3 years after the sale.

Review of Labeling

Before the effective date of a final regulation based on this proposal, FDA will review the labeling of all hearing aids to assure that the requirements of proposed § 801.420 have been met. The final regulation will be accompanied by a notice published in the same issue of the Federal Register requiring submission, no later than 60 days before the effective date of the final regulation, of copies of the proposed User Instructional Brochures and all other labeling for all hearing aids pursuant to section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) and proposed recordkeeping and reporting authorization in the pending medical device legislation (S. 510 and H.R. 11124).

Request for Specific Comment

The Commissioner is particularly interested in receiving comments on the following matters:

1. Whether additional instructions, warnings or other information should be required to be included in the User Instructional Brochure or other hearing aid labeling.

2. Whether there are side effects from use of hearing aids other than skin irritation that should be mentioned in the User Instructional Brochure, particularly side effects that warrant consulting a physician.

3. Whether, as proposed, there should be provision for waiver of the medical evaluation requirement or whether, rather, there should be a universal requirement of medical evaluation prior to hearing aid sale.

4. Whether, as proposed, there should be no provision for waiver of the medical evaluation requirement for children under the age of 18.

5. Whether, in addition to children under 18, persons who are obtaining a hearing aid for the first time should not be sold a hearing aid unless they have a medical evaluation prior to purchase.

6. Whether, as proposed, it is appropriate to require that the medical evaluation shall have occurred within 6 months prior to hearing aid sale or whether a shorter period should be prescribed.

7. Whether hearing aid specialists or clinical audiologists are capable of identifying the existence of the seven specified conditions that preclude waiver of medical evaluation of a patient prior to purchase of a hearing aid.

8. Whether there are additional conditions, besides the seven, that would indicate that there should be medical evaluation prior to purchase of a hearing aid.

9. Whether there exist State or local requirements applicable to labeling of hearing aids, including placards, signs, and other materials at the point of purchase of hearing aids, that are in addition to, or inconsistent with, those proposed in §§ 801.420 and 801.421.

Background data and information on which the Commissioner relies in proposing this regulation have been placed on file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. The following is a list of these documents:

1. "Paying Through the Ear: A Report on Hearing Health Care Problems," Public Citizen's Retired Professional Action Group, 1973.

2. "Hearing Aids and the Older American," Hearings before the Subcommittee on Consumer Interests of the Elderly of the Special Committee on Aging, United State Senate, 93d Cong., 1st sess., Parts 1 and 2, Washington, D.C. September 10, 1973.

3. Memoranda on the HEW Intradepartmental Task Force on Hearing Aids including minutes of the HEW Intradepartmental Task Force meetings and agency comments on the Task Force reports.

4. "Final Report to the Secretary on Hearing Aid Health Care," prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids, July 1975. The report contains the following appendices:

Appendix A—Preliminary Report on Hearing Aid Health Care, September 1974.
Appendix B—Supplementary Report on Hearing Aid Health Care October 1974.
Appendix C—Synopsis of written comments on the Preliminary and Supplementary Task Force Reports.
Appendix D—Transcript of public hearings on the Preliminary and Supplementary Task Force Reports.

Appendix E—Hearing Aid Specialists Act.

5. "1971 Health Survey Report," National Center for Health Statistics, Health Resources Administration, Public Health Service, Department of Health, Education, and Welfare.

6. "A Partnership in Better Hearing," a paper submitted by the Hearing Aid Industry Conference to the HEW Intradepartmental Task Force on Hearing Aids, August 13, 1974.

7. Minneapolis Study—Congressional Record-Senate, July 18, 1974, S12850. New York City Study—Congressional Record-Senate, July 11, 1974, S10300 through S10304. Baltimore Study—RPAG Report, "Paying Through the Ear—A Report on Hearing Health Care Problems," Private Citizens, Inc., 1973, Chapter I, p. 5. Detroit Study—Congressional Record-Senate, July 18, 1974, S12851 through S12854.

8. "The Hearing Aid Industry, A Survey of the Hard of Hearing," a report to the National Hearing Aid Society and the Hearing Aid Industry Conference, prepared by Market Facts, Inc., April 1971.

9. "1974 FDA Report on Hearing Aid Label Review."

10. S 3.22, 1976 American National Standard for Specification of Hearing Aid Characteristics.

11. S 3.3, 1960 (R, 1971) American National Standard Methods for Measurement of Electroacoustical Characteristic of Hearing Aids.

12. S 8, 1967 (R, 1971) American National Standard Method of Expressing Hearing Aid Performance.

13. "Staff Study of the State Licensing Laws and Training Requirements for Hearing Aid Dealers," Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, 94th Cong., 1st Sess., October 1975.

In addition to these documents, all written comments received by the Hearing Clerk, Food and Drug Administration, regarding the reports of the HEW Intradepartmental Task Force are available for public review.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (h), (k), (m), (n), 502, 701 (a), 52 Stat. 1040–1041, 1050–1051 as amended, 1055 (21 U.S.C. 321 (h), (k), (m), (n), 352, 371(a))) and authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 801 in Supbart H by adding new §§ 801.420 and 801.421 to read as follows:

§ 801.420 Hearing aid devices; professional and patient labeling.

(a) *Definitions for the purposes of this section and § 801.421.*

(1) "Hearing aid" means any wearable instrument or device designated for, offered for the purpose of, or represented as aiding persons with or compensating for, impaired hearing.

(2) "Seller" means any person, partnership, corporation, or association engaged in the sale, lease, or rental of hearing aids to any member of the consuming public or any employee, agent, sales person, and/or representative of such a person, partnership, corporation or association.

(3) "Sale" or "purchase" includes any lease or rental of a hearing aid to a member of the consuming public who is a user or prospective user of a hearing aid.

(b) *Label requirements for hearing aids.* Hearing aids shall be clearly and permanently marked with:

(1) The name of the manufacturer or distributor, the model name, the serial number, and the month and year of manufacture.

(2) Hearing aids shall be clearly and permanently marked with a "+" symbol to indicate the positive connection for battery insertion unless it is physically impossible to insert the battery in the reversed position.

(c) *Labeling requirements for hearing aids*—(1) *General.* All labeling information required by this paragraph shall be included in a User Instructional Brochure that shall be developed by the manufacturer or distributor, shall accompany the hearing aid, and shall be provided to the prospective user by the seller of the hearing aid in accordance with § 801.421(c). The User Instructional Brochure accompanying each hearing aid shall contain the following information and instructions for use, to the extent applicable to the particular requirements and characteristics of the hearing aid:

(i) An illustration(s) of the hearing aid, indicating operating controls, adjustments, and battery compartment.

(ii) Information on the function of all controls intended for user adjustment.

(iii) A description of any accessory which may accompany the hearing aid, e.g., accessories for use with a television or telephone.

(iv) Specific instructions for:

(*a*) Use of the hearing aid.

(*b*) Maintenance and care of the hearing aid, including the procedure to follow in washing the earmold, when replacing tubing on those hearing aids that use tubing, and in storing the hearing aid when it will not be used for an extended period of time.

(*c*) Replacing or recharging the batteries, including a list of suitable replacement batteries.

(v) Information on how to obtain repair service, includign the address of the repair facility(ies).

(vi) A description of environmental conditions, e.g., temperature, humidity, etc., which the hearing aid user might reasonably encounter that could adversely affect or damage the hearing aid.

(vii) Indentification of any known side effects from using a hearing aid which warrant consultation with a physician, e.g., skin irritation.

(viii) A statement that infrequent use of a hearing aid usually does not permit a user to attain full benefit from it.

(ix) A statement that the use of a hearing aid is only part of hearing habilitation and may need to be supplemented by auditory training and instruction in lipreading.

(x) The caution statements required by paragraph (c)(2) of this section.

(xi) The entire text of § 801.421.

(xii) The technical data required by paragraph (c)(3) of this section, unless such data is provided in separate labeling that accompanies the device.

(2) *Caution statements.* The User Instructonal Brochure shall contain the following caution statements:

(i) "Caution: The sale of hearing aids is restricted by Federal regulation."

(ii) "Caution: The Food and Drug Administration has determined that before purchasing a hearing aid, a patient should obtain a medical evaluation of the hearing impairment from a physician specializing in diseases of the ear (or from any licensed physician if no ear specialist is available) and an audiological evaluation by a clinical audiologist."

(iii) "Caution: A hearing aid will not restore normal hearing and will not prevent or improve organic conditions resulting in a hearing impairment."

(iv) If the maximum sound pressure level of the hearing aid exceeds 132 decibels, the following statement shall appear in the labeling: "Caution: This hearing aid has a maximum sound pressure level capability greater than 132 decibels (dB). Special care should be exercised in selecting and fitting hearing aids of this type as there may be risk of impairing the remaining hearing of the hearing aid user."

(3) *Technical data.* Technical data useful in selecting, fitting, and checking the performance of a hearing aid shall be provided in the User Instructional Brochure or in separate labeling that accompanies the device. The determination of technical data values for the hearing aid labeling shall be conducted in accordance with the test procedures of the American National Standard for Specification of Hearing Aid Characteristics, S 3.22, 1976. As a minimum, the User Instructional Brochure or such other labeling shall include the appropriate values or information for the following technical data elements as these elements are defined or used in such standard:

(i) Saturation output curve (SSPL 90 curve).

(ii) Frequency response curve.

(iii) Average saturation output (HF-Average SSPL 90).

(iv) Average full-on gain (HF-Average full-on gain).

(v) Useful gain (Reference test gain).
(vi) Frequency range.
(vii) Total harmonic distortion.
(viii) Equivalent input noise.
(ix) Battery current drain.
(x) Induction coil sensitivity.
(xi) Input-output curve.
(xii) Attack and release times.

(4) *Statement if hearing aid is used or rebuilt.* If a hearing aid has been used or rebuilt, this fact shall be declared on the container in which the hearing aid is packaged and on a tag which is physically attached to such hearing aid. Such fact may also be stated in the User Instructional Brochure.

(5) *Statements in User Instructional Brochure other than those required.* A User Instructional Brochure may contain statements or illustrations in addition to those required by paragraph (c) of this section provided that the additional statements:

(i) Are not false or misleading in any particular, e.g., diminishing the impact of the required statements; and

(ii) Are not prohibited by this chapter or by regulations of the Federal Trade Commission.

§ 801.421 Hearing aid devices; conditions for sale.

(a) *Medical evaluation requirements.* (1) Except as provided in paragraph (a) (2) of this section, a seller shall not sell a hearing aid unless the prospective user has presented to the seller a written statement signed by a licensed physician (preferably a physician who specializes in diseases of the ear except where no such specialist is available) showing that the prospective user has received a medical evaluation within the preceding 6 months and that such physician found no medical reasons why the individual should not be fitted with a hearing aid.

(2) If the seller determines after inquiry, after actual observation, and after reviewing any other available information concerning the prospective user, that none of the conditions listed in paragraph (a) (3) of this section is present, and if the prospective user is 18 years of age or older, the seller may afford the prospective user an opportunity to waive the medical evaluation requirement of paragraph (a) (1) of this section provided that the seller:

(i) Informs the prospective user that the Food and Drug Administration has determined that a medical evaluation by a physician, preferably by one who specializes in diseases of the ear, would be in a user's best health interests;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation; and

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by:

(*seller's name*)

that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a physician specializing in diseases of the ear (or by a duly licensed physician if no such ear specialist is available) before I purchase a hearing aid. I do not wish a medical evaluation prior to purchasing a hearing aid.

(3) A seller shall not allow a prospective user to waive the medical evaluation requirement of paragraph (a) (1) of this section if the seller determines, after inquiry, actual observation, and review of any other available information concerning the prospective user, required by paragraph (a) (2) of this section, that the prospective user has any of the following conditions:

(i) Visible congenital or traumatic deformity of the ear.

(ii) History of active drainage from the ear within the previous 90 days.

(iii) History of sudden or rapidly progressive hearing loss within the previous 90 days.

(iv) Acute or chronic dizziness.

(v) Unilateral hearing loss or sudden or recent onset within the previous 90 days.

(vi) Audiometric air-bone gap equal to or greater than 15 decibels at 500 hertz (Hz), 1,000 Hz, and 2,000 Hz.

(vii) Visible evidence of cerumen accumulation or a foreign body in the ear canal.

(4) State and local governments may impose more stringent conditions for sale of hearing aids than are prescribed in paragraph (a) of this section.

(b) *Warnings and opportunity to review User Instructional Brochure.* Prior to the signing of any statement under paragraph (a) (2) (iii) of this section and prior to the sale of a hearing aid to a prospective user, the seller shall:

(1) Read and explain to the prospective user orally, or in the predominant method of communication used during the sale, the caution statements required by § 801.420(c) (2);

(2) Provide the prospective user a copy of the User Instructional Brochure for a hearing aid that has been, or may be, selected for the prospective user; and

(3) Afford the prospective user an opportunity to read the User Instructional Brochure.

(c) *Availability of User Instructional Brochure.* (1) Upon request by an individual who is considering purchase of a hearing aid, a seller shall, with respect to any hearing aid that he sells, provide a copy of the User Instructional Brochure for the hearing aid or the name and address of the manufacturer or distributor from whom a User Instructional Brochure for the hearing aid may be obtained.

(2) In addition to ensuring that a User Instructional Brochure accompanies each hearing aid, a manufacturer or distributor shall, with respect to any hearing aid that he manufacturers or distributes:

(i) Provide sufficient copies of User Instructional Brochures to sellers for distribution to users and prospective users.

(ii) Provide a copy of the User Instructional Brochure to any hearing aid professional, user, or prospective user who requests a copy in writing.

(d) *Recordkeeping.* The seller shall retain for 3 years after the sale of a hearing aid a copy of any written statement from a physician required under paragraph (a) (1) of this section or any written statement waiving medical evaluation required under paragraph (a) (2) (iii) of this section.

Interested persons may, on or before June 21, 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: April 15, 1976.

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

[FR Doc.76–11461 Filed 4–20–76;8:45 am]

federal register

WEDNESDAY, APRIL 21, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

METRIC EDUCATION PROGRAM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

PART 160a—METRIC EDUCATION PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41670–41674), setting forth regulations for the Metric Education Program (Section 403, Title IV of the Education Amendments of 1974, Pub. L. 93–380). This regulation is one aspect of the Special Projects Act, the intent of which is to implement the Metric Education Program.

A. *Summary of comments changes in the regulations.*

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed rules. About 30 comments were submitted to the Office of Education in writing and a summary of those comments follows. After each comment, a response is set forth discussing the comment and stating changes which have been made in the regulation or the reason(s) why no change is deemed necessary. General comments on the regulation are set forth first, followed by specific comments arranged in order of the sections of the regulation to which they pertain. Several technical and typographical corrections were made.

1. *Comments.* Several commenters wanted clarification on the extent to which adults are included as beneficiaries of the Metric Education Program.

Response. Participation of adults is provided in the regulations as a program objective (160a.2(a)). Specific references to adults in the several projects are located at §§ 160a.13(b) (3) and (4), 160a.14(b)(2), and 160a.15(f)(5). It is in this manner that adults receive the benefits of metric education.

2. *Comment.* Several commenters asked what role the Office of Education will have, if any, in State teacher certification.

Response. Section 160a.14(b)(3) requires that teacher development projects respond to the anticipated requirements for teacher certification, and § 160a.15(f)(3) requires that State and multi-State cooperative metric education planning include detailed plans for developing a statewide (or multi-State) master plan for metric education with a provision concerning implications for teacher certification. In both cases, anticipated changes in State teacher certification, if any, are implied. The mention of a curriculum which will "* * * respond to anticipated changes in requirements for teacher certification * * *" is made in the context of State teacher certification standards, not any Federal standard. The word "State" has been added in both § 160a.14(b)(3) and § 160a.15(f)(3).

3. *Comment.* Commenters asked whether State (Teachers) Colleges and Community Colleges are eligible for grants or contracts and for clarification of this matter in the regulation.

Response. No change was made in the regulation. To the extent that they satisfy other requirements, State Teachers Colleges and Community Colleges are eligible for grants and contracts as either "institutions of higher education" or "public and private nonprofit * * * institutions." The regulation closely follows the language of Sec. 403(b)(2) of the Act, hence no change was made in the regulation.

4. *Comment.* A commenter asked whether private high schools are eligible for grants or contracts.

Response. No change was made in the regulation. Section 403(a)(2) of the Act authorizes the Commissioner to make grants to or contracts with, among others, "private nonprofit * * * institutions." The same phrase is used in § 160a.11 of the regulation. A private nonprofit high school would, therefore, be eligible for a grant or contract if otherwise qualified. Questions of qualification of particular applications from private nonprofit institutions will be answered on an individual case basis.

5. *Comment.* A commenter suggested that the program goals stated (§§ 160a.1 and 2) are too ambitious.

Response. No change was made in the regulation. The Metric Education program is one of national scope and the stated goals appear to be justified in light of the Congressional intent that the Commissioner carry out a program of grants and contracts to encourage educational agencies and institutions to prepare students to use the metric system. The United States was the last large industrial nation to convert to the metric system (See Pub. L. 94–168, Metric Conversion Act of 1975). Many of the nation's industries are already converting or have converted to the Metric System.

6. *Comment.* A commenter suggests that the definition for "International System of Units" be deleted, and that the term "metric system" be defined as the International System of Units.

Response. No change was made in the regulation. The terms "International System of Units" and "Metric System" are both used by Congress in the Act, and both are defined in § 160a.3 of the regulations.

7. *Comment.* A commenter asked that the primary focus of the program be clarified.

Response. No change was made in the regulation. The primary focus of the program is, as stated in Sec. 403(a)(2) of the Act and in § 160a.1 of the regulation, "* * * to encourage educational agencies to prepare students to use the revised metric system of measurement * * * with ease * * * as a part of the regular educational program." Projects funded under this Metric Education Program should be of an exemplary nature, should have the effect of encouraging other projects to be patterned after them, or should benefit other projects.

8. *Comment.* A commenter suggested that a higher priority be accorded the statewide planning effort.

Response. No change was made in the regulation. State planning projects are one of the stated program objectives (§ 160a.2(f)) and are eligible for funding as one of the four types of projects on the basis of the same criteria as the other projects. It seems preferable to fund some school-based interdisciplinary projects this fiscal year as well as teacher development projects and technical support projects, rather than emphasize State planning projects.

9. *Comment.* A commenter has suggested that careful adherence should be given to SI symbols, definitions, and spellings.

Response. No change was made in the regulation. Section 160a.5 sets forth the requirements that the International System of Units published by the National Bureau of Standards of the Commerce Department shall be used by recipients of Federal assistance under the Act, and that all reference to the metric system will mean the International System of Units.

10. *Comment.* A commenter requests specific mention of community colleges and vocational schools as eligible applicants.

Response. No change was made in the regulation. The Act and the regulation (§ 160a.11) permit these entities to participate if they otherwise satisfy the requirements set forth in the regulation.

11. *Comment.* The Commenter, a profit-making enterprise, requests that profit making companies and corporations be given consideration for funding.

Response. No change was made in the regulation. Under the Act, applicants, to be eligible, must be "non-profit" agencies, organizations, and institutions. The interest shown by the private sector in metric education is appreciated, but profit-making enterprises are not eligible under the Act.

12. *Comment.* A commenter suggested that §§ 160a.12 and 160a.14 appear to be duplicates.

Response. No change was made in the regulation. The sections are not duplicates. Section 160a.12 merely lists the four types of projects which will be funded. Sections 160a.13, 160a.14, 160a.15, and 160a.16 describe each of these four types of projects in greater detail.

13. *Comment.* A commenter suggests that funds should be used to promote a variety of programs.

Response. No change was made in the regulation. The regulation permits funds to be used for four types of projects (§ 160a.12), and projects may vary greatly in all four types. The regulation affords applicants great flexibility while, at the same time, it gives prospective applicants some detailed information as to what type of applications are anticipated and how they will be scored under the criteria.

14. *Comment.* A commenter suggested that a greater role be given to the community in the development of the program.

Response. Section 160a.13(b)(3) requires that, in school-based interdisciplinary projects, the multiplier strategy insure training opportunities for teachers, students, parents, and other adults. Members of the community are in this way involved in the school-based projects. Community involvement in the development of project applications, such as through parent advisory committees, is not provided for in the Act and is not, therefore, provided for in the regulation. Hence, no change was made in the regulation.

15. *Comment.* A commenter suggests in § 160a.13(b) the words "well publicized" be added before "local programs" to require applicants to be agencies which develop and provide well publicized programs of instruction for the general elementary and secondary student population.

Response. No change was made in the regulation. Under the regulation as written, applicants may be agencies which provide local programs of instruction. In selecting applicants, point scores will be given for projects whose design "provides for easy institutionalization" (§ 160a.25(a)(6)) and is "conducive to easy replication" (§ 160a.25(a)(15)). The intent is that publication will be given to those projects which prove to be the most effective; hence, the fact that the agency is well publicized in advance of the project and evaluation of its effectiveness is immaterial.

16. *Comment.* A commenter suggests that funds should concentrate on teacher training activities.

Response. No change was made in the regulation. Teacher training activities are encouraged under each of the project types; school-based interdisciplinary, teacher development, State and multi-State planning projects, and technical support projects, §§ 160a.13(b)(2), 160a.14, 160a.15(f)(1) and 160a.16(b)(2), respectively. While this does not expressly confer a preferred status upon teacher training, the regulation does allow applicants four possible project types under which teacher training is an authorized activity.

17. *Comment.* A commenter suggests that teacher training activities should permit "creativity and flexibility" in pedagogical methodology.

Response. No change in the regulation. Sections 160a.13(b), 160a.14(b) permit "creativity and flexibility" in pedagogical methodolgy. Such creativity and flexibility would, among other things, allow interdisciplinary curricular experiences (§ 160a.13(b)(1)) and specific strategies for students with diverse learning styles (§§ 160a.14(b)(5) and 160a.15(f)(7)).

18. *Comment.* A commenter suggests that direct communication links with teachers should be established early in the metrication program.

Response. Communication with teachers is provided in § 160a.13(b)(3), pursuant to a multiplier strategy whereby participant teachers teach non-participating teachers. This strategy would encompass intra- and inter-district communication between teachers. This same strategy is reflected in §§ 160a.14(b)(6) and 160a.15(f)(1). Hence no change is necessary in the regulation.

19. *Comment.* A commenter suggests that priority in training should be given to teachers in all areas, not just those in science or mathematics.

Response. The definition of "interdisciplinary" was expanded to make clear that it does not mean merely "mathematics and science." The regulation as proposed in §§ 160a.13(b)(1) and 160a.15(f)(2), stresses "interdisciplinary" activities which would permit teachers other than those in mathematics and science to participate in the programs of teacher training. The word "interdisciplinary" was also added to § 160a.14(b)(4).

20. *Comment.* A commenter suggests that training should be scheduled as activities with classroom tryouts of materials.

Response. No change was made in the regulation. This type of training activity is permitted under §§ 160a.13(b)(2) and 160a.14. The concepts of inservice teacher development coupled with interdisciplinary curricular experiences lend themselves to implementation of programs which will utilize the classroom as a methodological laboratory. Sections 160a.14 and 160a.15(f) contemplate both short-term and long-term teacher training programs.

21. *Comment.* A commenter suggests that development of curriculum materials by teachers should be encouraged.

Response. No change was made in the regulation. The involvement of teachers in curriculum development is encouraged by way of reference from § 160a.13(b)(2) to § 160a.13(b)(1).

22. *Comment.* A commenter recommends that teacher inservice training exercises use the same materials as will be used by the students.

Response. No change was made in the regulation. The regulation permits teachers to use the materials for teacher training in the classroom under §§ 160a.13(b)(1) and (2), 160a.14(b), and 160a.15(f)(1) and (2).

23. *Comment.* A commenter suggests utilizing models from the British Teachers' Centres and the Australian Traveling Advisors.

Response. No change was made in the regulation. Use of the British and Australian models and other foreign models, if they otherwise comply with the regulation, is permissible under the regulation.

24. *Comment.* A commenter wants institutions of higher education included as eligible participating agencies for teacher development projects.

Response. No change was made in the regulation. Section 160a.14(b) uses the language "eligible teacher training institutions or other authorized applicants." This language is sufficiently broad to include all eligible applicants, institutions of higher education, community colleges, etc., so long as the applicant is otherwise able to satisfy the statute and regulation. The phrase "teacher training institutions" was not meant to exclude other eligible institutions which prepare teachers.

25. *Comment.* A commenter suggests that § 160a.14(b)(2) should be deleted and replaced with a clause which would allow for models developed under previous grants by government agencies.

Response. No change was made in the regulation. The regulation permits adaptation and utilization of preservice and inservice models developed under other governmental agencies, and there is no need to make specific mention of this in the regulation.

26. *Comment.* A commenter suggests that, in § 160a.14(a), "and" be changed to "and/or" to permit inservice or preservice training.

Response. The following change was made in the regulation. In order to allow flexibility in the development of teacher training programs, "and/or" will replace "and" in line 5 of § 160a.14(a).

27. *Comment.* A commenter, a Commission for Vocational Education, suggests in relation to § 160a.14(b) that there is a definite need for inservice and preservice training in vocational areas, specifically trade and industrial programs.

Response. This paragraph is amended as set forth in the body of the regulation. Nonprofit vocational training institutes, if they satisfy the requirements of § 160a.1, may be eligible for funding of teacher development projects. Section 160a.14(b) was not meant to be limiting.

28. *Comment.* A commenter suggests that there ought to be projects for special population target groups such as blind students and non-reading students as separate categories of funding.

Response. No change was made in the regulation. While the program does not have separate types of projects for special target groups, consideration of special target groups has been made in §§ 160a.14(b)(5) and 160a.15(f)(7). Special strategies for students with diverse learning styles will permit programs designed for blind students.

29. *Comment.* A commenter would delete "curriculum development" from § 160a.15(f)(2) as duplicating efforts for curriculum development.

Response. No change was made in the regulation. The thrust of this component is "interdisciplinary" and is to be implemented on a Statewide or multi-State basis. While curriculum development is authorized in other sections of the regulation, the nature of this activity focuses upon development of prototypical models for a larger area.

30. *Comment.* A commenter suggests that, because of efforts from other organizations, § 160a.16 should be deleted.

Response. No change was made in the regulation. Section 160a.16 authorizes projects for metric education technical support. At present, support from other organizations is in no way sufficient to make this type of project unnecessary.

31. *Comment.* A commenter requests that "academic year" be deleted for purposes of more flexibility in project implementation, with "fiscal year" as a substitute.

Response. Section 160a.17, "project duration," is amended to authorize projects to be implemented on an academic year or a fiscal year basis. The definition of "academic year" will be retained. "Fiscal year" is defined in the General Education Provisions regulations in 45 CFR 100.1.

32. *Comment.* A commenter recommends that, in § 160a.25, definitions of "performance oriented approaches," "program impact potential," and "cooperative arrangements" should be included.

Response. Definitions of "performance oriented approaches" and "program impact potential" have been added. The term "cooperative arrangements" is set forth in 45 CFR Section 100a.19, and the regulations in that Part will govern any cooperative arrangements entered into under the Metric Education Program.

33. *Comment.* A commenter suggests that separate sets of funding criteria be developed for each type of authorized activity.

Response. The manner in which the funding criteria are set forth in § 160a.-25 was designed to apply to all types of projects. Sections 160a.13–16 set forth the requirements of each type of project. Each applicant must address itself to meeting the requirements for the particular type of project and should, of course, keep the overall funding criteria in mind. In addition to the particular requirements of each project type, as set forth in the respective sections of the regulation, applications will be reviewed subject to the provisions of § 160a.16(a) and the amounts set forth in § 160a.27. Therefore, there is no need to develop separate sets of criteria.

34. *Comment.* A commenter suggests that, contrary to § 160a.29(c)(1), stipends should be allowed.

Response. In light of the limited funds available for implementation of a program of national scope, it has been considered advisable not to allow stipends, travel, or dependency allowances. This is made clear in the regulation. Awardees may, of course, provide these out of their own funds.

35. *Comment.* A commenter suggests that funds should be available to sponsor inservice training for teachers at a university or college, wholly funded by the Metric Education program, and that supplies and equipment be permitted for use in the classroom.

Response. No change was made in the regulation. This activity is contemplated by the regulation. Section 160a.29(b)(2) and (5) allows use of funds for adaptation of textbooks and purchase of measurement apparatus. Section 160a.29(c)(2)3 disallows use of funds for textbooks other than those exclusively on the metric system.

36. *Comment.* A commenter suggests that there is an ample supply of metric materials available for use in this program, and that no funds should be used for development of metric materials.

Response. No change was made in the regulation. In this first year of the program, funds are allowed under § 160a.29(b)(2) for "adaptation of textbooks." If, as the commenter suggests, there are adequate materials available, this provision will be amended in the future.

Accordingly, after consideration of the above comments. Part 100a of Title 45, is amended and Part 160a of Title 45 of the Code of Federal Regulations are adopted to read as set forth below.

Effective date: Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER (4–21–76). That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.561, Metric Education Program)

Dated: February 17, 1976.

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

Approved: April 14, 1976.

DAVID MATHEWS,
Secretary of Health, Education and Welfare.

1. Section 100a.10 of Part 100a of Title 45 of the Code of Federal Regulations is amended by adding (a)(34) to read as follows:

§ 100a.10 Scope.

(a) *Programs.* Except to the extent inconsistent with an applicable statute or regulation, the provisions contained in this part apply to all Federal programs of assistance authorized under the following authorities:

* * * * *

(34) Projects designed to encourage educational agencies and institutions to prepare students to use the revised metric system of measurement with ease and facility as part of the regular educational program under Section 403, Part C of Title IV, Pub. L. 93–380

(20 U.S.C. 1862);

* * * * *

2. Part 160a of Title 45 of the Code of Federal Regulations is added to read as follows:

PART 160a—METRIC EDUCATION PROGRAM

Subpart A—General

Sec.
160a.1 Purpose.
160a.2 Program objectives.
160a.3 Definitions.
160a.4 General Provisions.
160a.5 International System of Units.

Subpart B—Eligible Applicants; Authorized Activities; Duration of Projects

160a.11 Eligible applicants.
160a.12 Types of projects.
Sec.
160a.13 School-based interdisciplinary projects.
160a.14 Teacher development.
160a.15 State and multi-State cooperative metric education planning.
160a.16 National metric education technical support.
160a.17 Duration of projects.

Subpart C—Applications; Funding Criteria Costs; State Review

160a.21 General requirements.
160a.22 General project description.
160a.23 Pre-application for participation in metric education.
160a.24 Applications.
160a.25 Funding criteria.
160a.26 Review of applications.
160a.27 Amount of grant or contract.
160a.28 State review of local educational agency applications.
160a.29 Allowable costs.

AUTHORITY. Secs. 1–4, Special Projects Act and secs. 402(b) and 403 of the Education Amendments of 1974, Pub. L. 93–380, 88 Stat. 544–547 (20 U.S.C. 1851–1853, 1861–1862).

Subpart A—General

§ 160a.1 Purpose.

The purpose of the Metric Education Program conducted pursuant to this part is to encourage educational agencies and institutions to prepare students to use the revised metric system of measurement (as opposed to the customary system used in the United States), with ease and facility as a part of the regular educational program as provided for in section 403 of the Education Amendments of 1974, Pub. L. 93–380, hereinafter called the "Act".

(20 U.S.C. 1862(a)(2))

§ 160a.2 Program objectives.

The objectives of the Metric Education Program under this part, more than one of which may be met by a single project, are as follows:

(a) To increase measurably the number of elementary and secondary school teachers and students (as well as parents and other adults) who are able to use the revised metric system;

(b) To provide for the development or further testing of promising metric education program models which possess potential for responding to the metric educational needs of students;

(c) To increase measurably the number of educational personnel who are qualified to teach the metric system of measurements through preservice or inservice education programs;

(d) To establish or increase interstate and/or interagency cooperation for the purposes of developing and expanding metric education programs;

(e) To develop and provide technical assistance to enhance and ensure the quality of teacher-learner experiences in metric education;

(f) To develop Statewide or multi-State metric educational planning efforts designed to enhance or expand the metric education experience available to teachers, students, parents and other adults; and

(g) To support other public and private non-profit agencies, organizations, and institutions, in their efforts to develop and enhance the quality of the Metric Education Program for students at all levels.

(20 U.S.C. 1851–1862)

§ 160a.3 Definitions.

For the purpose of this part the following definitions shall apply:

"Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters or 900 clock hours of instruction.

"Accountability factors" means measurable activities which may be used to determine the degree of success of the program effort.

"Act" means section 403 of the Education Amendments of 1974, Pub. L. 93–380 (20 U.S.C. 1862) which authorizes the Metric Education Program.

"Customary system" means the system of measurement unit (yard, pound, second, degree Fahrenheit, and units derived from these) most commonly used in the United States, often referred to as the "English system" or the "U.S. system". This system is derived from but not identical to the Imperial system used in the United Kingdom and other English-speaking countries.

"Interdisciplinary" means the involvement of two or more academic disciplines, i.e., the involvement of disciplines other than mathematics and science alone.

"International System of Units (SI)", popularly known as the modernized metric system, is the coherent system of units based upon and including the meter (length), kilogram (mass), second (time), kelvin (temperature), ampere (electric current), and candela (luminous intensity), as established in 1960 by the General Conference on Weights and Measures under the Treaty of the Meter. A seventh base unit, the mole (for amount of substance) is being considered as another (SI) base unit. The radian (plane angle) and the steradian (solid angle) are supplemental units of the system.

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

(20 U.S.C. 1862)

"Metric Education Program" is the short or popular name for the Education for the Use of the Metric System of Measurement Program.

(20 U.S.C. 1862)

"Metric system" means the measurement system that commonly uses the meter for length, the kilogram for mass, the second for time, the degree Celsius (same as "Centigrade") for temperature, and units derived from these. This system has evolved over the years and the modernized version today is identified as the "International System of Units", which is abbreviated (SI).

"Performance oriented approaches" means educational approaches wherein students will be inovlved in a sequence of problem solving activities, the solutions to which will require the utilization of concrete examples.

"(SI)" is the abbreviation for the modernized metric system, otherwise known as the International System of Units (Le Systeme International d'Unites).

(20 U.S.C. 1862)

"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 agency, an officer or agency designated by the Governor or by State law.

"Program impact potential" means the degree to which a program may be adopted, expanded and/or replicated by other educational entities.

(20 U.S.C. 1862)

§ 160a.4 General Provisions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter, 45 CFR Parts 100, 100a, Appendices A–D (relating to fiscal, administrative, property management, and other matters), and to part 160 of this chapter. Procurement contracts awarded pursuant to this Part will be subject to 41 CFR Chapters 1 and 3.

(20 U.S.C. 1862)

§ 160a.5 International System of Units.

The International System of Units published by the National Bureau of Standards of the Commerce Department in the FEDERAL REGISTER, for June 19, 1975, 40 FR 25837, shall be used by recipients of Federal assistance under the Act for purposes of implementing the program. All references to the Metric System in this part will mean the International System of Units as published and amended by the National Bureau of Standards.

(20 U.S.C. 1862(a)(3))

Subpart B—Eligible Applicants; Authorized Activities; Duration of Projects

§ 160a.11 Applicant eligibility.

The Commissioner may make grants to and contracts with institutions of higher education, State and local educational agencies, and other public and private non-profit organizations, institutions and agencies, to develop and carry out the policy set forth in the Act.

(20 U.S.C. 1862(b)(2))

§ 160a.12 Types of projects.

The objectives specified in § 160a.2 will be carried out through grants or contracts for the following types of projects:

(a) School-based interdisciplinary;

(b) Teacher development;

(c) State and multi-State planning; and

(d) Technical support.

(20 U.S.C. 1862)

§ 160a.13 School-based interdisciplinary projects.

(a) *Description.* School-based projects will respond to the metric educational needs of elementary and secondary students and teachers as well as parents and other adults. School based interdisciplinary projects may use innovative techniques and educational television.

(b) *Requirements.* Applicants for school-based interdisciplinary grants or contracts will be those agencies which develop and provide local programs of instruction for the general elementary and secondary student population. All projects funded under this category of metric education grants or contracts will provide:

(1) Interdisciplinary curricular experiences in metric education which will foster the acquisition of skills in the use of the metric system of measurement;

(2) In-service teacher development in the area of metric education where necessary to accomplish in paragraph (b)(1) of this section;

(3) A precisely described multiplier strategy which will insure maximum metric education training opportunities to as many teachers, students, parents and other adults (for example, participant teachers, students, and adults teaching non-participating teachers, students, and adults skills for metric education);

(4) Metric education opportunities for parents and other adults so as to reinforce activities required under § 160a.13 (b)(1), (2) and (3);

(5) Adequate proof that, if the applicant is a local educational agency, the State educational agency has been notified of the application and has been given a reasonable opportunity to offer recommendations with respect to the approval thereof, in compliance with section 403 (c)(2) of the Act;

(6) Indication that the diverse learning styles of gifted as well as less facile learners have been considered; and

(7) Opportunity for bilingual instruction where significantly critical to program effectiveness.

(20 U.S.C. 1862)

§ 160a.14 Teacher development.

(a) *Description.* Eligible applicants under this category of grants or contracts shall, through a planned sequence of experience-based instructions, focus on the in-service and/or pre-service development of teachers, teacher trainers, and instructional leaders, for example, instructional supervisors.

(b) *Requirements for teacher development projects.* Eligible teacher training institutions or other authorized applicants under this category of grants or contracts shall satisfy the following requirements:

(1) The program strategy shall be a planned sequence of instruction so as to enhance the teacher's skills in using the metric system where appropriate;

(2) The metric program shall stress the effective teaching of parents and adults in the metric system;

(3) The teacher development curriculum shall respond to anticipated changes in State requirements for teacher certification;

(4) The interdisciplinary teacher developmental experiences shall provide for the teacher's acquisition of metric educational teaching skills to meet the educational needs of both the gifted as well as the less facile learner with an emphasis on bilingualism where the nature of the student population warrants such;

(5) The project shall provide for special strategies, such as the development of individualized instruction, for students with diverse learning styles;

(6) The project shall precisely describe the specific strategy for project participating teachers, students, and adults teaching other non-participating fellow teachers, students, and adults; and

(7) The project shall provide a schedule of events to emphasize and illustrate the realization of project goals and objectives.

(20 U.S.C. 1862)

§ 160a.15 State and multi-State cooperative metric education planning.

(a) Grants or contracts provided under this category of the Metric Education Program shall support statewide educational program planning and development. Grantees or contractors shall focus on the evolution of a master plan for a statewide or cooperatively developed multi-State metric education program which emphasizes the acquisition of skills in the use of the metric system of measurement. Grantees and contractors may utilize educational television and the print media to accomplish the objectives of this section.

(b) Grantees and contractors, for purposes of short-term and long-range metric education planning, or to expand promising and effective programs currently underway, may enter into cooperative arrangements with other such eligible applicants to apply for funds under this section. (45 CFR 100a.19)

(c) When an application is submitted by several cooperating agencies, it may include a composite budget reflecting cost allocations for each of the several cooperating applicant agencies' proposed activities to be funded by the grant in an academic year.

(d) When the application is for a cooperative multi-State arrangement, one State shall be designated to serve as the fiscal agent for the planned multi-State cooperative metric education project but all shall be jointly and severally legally responsible for administering the project assisted under the metric education grant or contract.

(20 U.S.C. 1221c(b)(1), 1232c(b)(1))

(e) The project shall include a schedule of events designed to emphasize or illustrate the realization of stated project goals and objectives.

(f) The project shall provide detailed plans for developing a statewide (or multi-State) master plan for metric education with specific detailed implications for:

(1) Staff development;

(2) Interdisciplinary curriculum development;

(3) State teacher certification;

(4) Textbook adaptation;

(5) Parent and adult metric education;

(6) Bilingual elements where essential for program success; and

(7) Other diverse learning styles.

(g) The application shall provide a descriptive statement of pending and existing State legislative or State educational policy developments with implications for metric education.

(h) Multi-State applications shall provide letters of commitment, signed by the appropriate official(s) from each of the cooperating States.

(20 U.S.C. 1862)

§ 160a.16 National metric education technical support.

(a) *Description.* Contracts awarded pursuant to this section shall support an effective national technical support program to serve State and cooperative multi-State metric education planning projects; school-based demonstration and pilot metric education planning projects, inservice and pre-service teacher development models for metric education; and to identify and dispatch metric education experts to agencies which are developing and implementing metric educational programs in response to stated needs; and where deemed appropriate, the development of mobile metric instructional laboratories. To ensure consistency of program thrust, orientation, modes of accountability, and to facilitate fiscal responsibility and effective services management, the technical assistance efforts will be national in scope. It is assumed, therefore, that a limited number of applications, possibly only one, will be funded for national metric education technical support.

(b) *Requirements.* Applicants for this type of grant or contract shall:

(1) Possess the capacity to provide technical assistance for program development, expansion, and implementation on a large scale;

(2) Assist in staff development;

(3) Possess a potential for directing media development;

(4) Assist in project evaluation and the evaluation of the overall metric education program; and

(5) Assist in all areas of curriculum and curriculum material adaptation for metric education.

(20 U.S.C. 1862)

§ 160a.17 Project duration.

(a) Awards made pursuant to this part will be for a project period of one academic year, or one fiscal year, unless otherwise specified in paragraph (b) of this section. If an award recipient seeks to receive assistance pursuant to this part for an additional academic year, or fiscal year, the recipient must submit a new application. The new application will be evaluated in competition with applications from other former award recipients as well as from applicants which have not previously received assistance under this part.

(b) The Commissioner may make an initial award for more than one academic year or fiscal year, for projects funded pursuant to § 160a.16, national metric education technical support, if the nature of the project is such that a multi-year award is justified. Decisions for renewed funding after the initial award period will be made on the basis of the extent to which the grantee or contractor has satisfactorily performed under the initial grant period and will be contingent upon (1) the availability of funds, (2) a determination by the Commissioner that such continuation would be in the best interest of the Government, and (3) execution of a revised notification of grant award acceptable to the Commissioner and the grantee or contractor.

(20 U.S.C. 1221e-3(a)(1), 1862)

Subpart C—Applications; Funding Criteria Costs; State Review

§ 160a.21 General requirements.

Applications for metric education grants or contracts shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by notice in the FEDERAL REGISTER and shall be approved only if the application:

(a) Provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(b) Describes a program which holds promise of making a substantial contribution toward attaining the purposes of this part; and

(c) Sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application.

(20 U.S.C. 1862(c)(1) (A)-(D))

§ 160a.22 General project description.

The application shall describe:

(a) The design of the metric education program, its duration, purpose, and plan;

(b) The qualifications of the project director and of the key professional personnel who will be involved in the project;

(c) The facilities and resources that will be made available; and

(d) Categorical justification for the amount of Federal funds requested.

(20 U.S.C. 1862)

§ 160a.23 Pre-application for participation in metric education.

(a) The Commissioner may, by notice published in the FEDERAL REGISTER, require applicants eligible for a grant or contract under the Act to submit a pre-application for review prior to submitting a complete application under the provisions of 45 CFR 100a.15. Such pre-application, of no more than seven (7) pages, shall succinctly provide:

(1) A statement of the problems to which proposed program activities will respond;

(2) A description of target population to be served;

(3) Measurably stated short-term and long-range program objectives;

(4) A description of anticipated cooperative arrangements;

(5) The anticipated budget request;

(6) The signature of all duly authorized officials who will submit the final application on behalf of the agency;

(7) A brief description of the evaluation plan;

(8) Details as to the duration of proposed project; and

(9) An overall statement of what the applicant will accept as evidence of program success as a result of the activities for which funds are sought.

(b) Notification of the applicant relative to the results of the pre-application review shall follow the procedures set forth in 45 CFR 100a.42.

(20 U.S.C. 1862) (20 U.S.C. 1221(b)(1), 1232c(b)(1))

§ 160a.24 Applications.

An applicant eligible for a grant or contract under the Act shall submit an application to the address contained in the notice of closing date on or before such cut-off date or dates as the Commissioner may announce in the FEDERAL REGISTER for each fiscal year of operation of the Metric Education Program. An application containing such assurances and requisite information, and in accordance with such forms, and instructions as the Commissioner shall prescribe, may be executed by the applicant or an official or representative of the applicant duly authorized to make such application.

(20 U.S.C. 1221c(b)(1))

§ 160a.25 Funding criteria.

(a) In awarding grants and contracts on a competitive basis, the Commissioner will take into account, in addition to the general criteria listed in 45 CFR 100a.26(b), the following criteria:

(1) The project design shows promise for contributing to an effective metric education program;

(2) The project design provides for an effective response to diverse learning styles of the target population, e.g., bilingualism, gifted and talented, less facile learners, insufficiently motivated learners, handicapped and special education students;

(3) The project narrative complies with the International System of Units (SI);

(4) The project design provides for an effective level of response to staff development needs;

(5) The project design leads to the ease of adaptation of proposed metric educational activities;

(6) The project design provides for easy institutionalization of proposed metric educational project strategies;

(7) The project design contributes to performance oriented metric educational approaches;

(8) The project design focuses on efforts to enable the project's target population to measurably acquire skills for using the International System of Units (SI);

(9) A schedule of significant project events is provided and is adequately explained or detailed;

(10) The project design provides for the effective instruction of parents and other adults in the metric system;

(11) The evaluation design includes accountability factors which measure the overall effectiveness of the proposed project;

(12) The project design includes short-term and long-range objectives which are measurably stated;

(13) The project design responds to assessed metric educational needs of the planned target population and such needs are set forth in sufficient detail in the program narrative of the application;

(14) The applicant has identified and detailed specific project-related behavioral objectives and the means by which they will be achieved;

(15) The project design is conducive to easy replication;

(16) The project design has high program impact potential; and

(17) The project design capitalizes on cooperative arrangements so as to maximize the impact of the proposed project.

(b) The maximum score for a given application shall be 102 points with each criterion having a score range of 0–6.

(20 U.S.C. 1862)

§ 160a.26 Review of applications.

The Commissioner, prior to disposition of applications for grants or contracts, may, at his discretion, obtain the review of a panel of experts. Any such review shall be in addition to the review of an application by the Commissioner in accordance with such procedures as the Commissioner may establish.

(20 U.S.C. 1221c(b)(1))

§ 160a.27 Amount of grant or contract.

It is expected that awards of State and multi-State metric education planning grants will generally be in the range of $25,000–$40,000 and $50,000–$110,000, respectively; the school-based metric instructional pilot and model project grants will generally be in the range of $25,000–$35,000; the national technical support effort will generally be in the range o $175,000–$225,000; and the grants fo purposes of conducting in-service an pre-service teacher development project will generally be in the range of $20,000 $30,000. Procurement contracts int which the Commissioner may enter pur suant to any of the authorized activitie need not be within the above ranges.

(20 U.S.C. 1862)

§ 160a.28 State review of local educational agency applications.

(a) The Commissioner will not approv an application submitted by a local edu cational agency in accordance with thi part unless the State educational agenc of the State in which that local educa tional agency is located has been give an opportunity to review and make rec ommendations on such application.

(b) A local educational agency mus provide a copy of its application to th appropriate State educational agenc concurrently with its submission of th application to the Commissioner.

(c) The Commissioner may establis a cut-off date for submission of com ments by State educational agencies o local educational agency applications. I the Commissioner establishes a cut-of date for submission of comments, failur by a State educational agency to submi comments to the Commissioner within the period specified by the Commissione for an application shall be deemed a waiver of the State educational agency' opportunity to comment on that appli cation.

(20 U.S.C. 1862(c)(2))

§ 160a.29 Allowable costs.

(a) Costs allowable under awards issued pursuant to this part shall be determined in accordance with provisions contained in 45 CFR Part 100a and Appendices A, B, C, or D to that part, as applicable to the type of applicant, subject to the limitations contained in paragraphs (b) and (c) of this section.

(b) Costs for the following will be allowed when the Commissioner determines that expenditure for such items would be in the interest of the Government in carrying out the purposes specified in § 160a.1 and the program objectives in § 160a.2: the costs of (1) reference materials, (2) supplementary materials for adaptation of textbooks, (3) consulting services, (4) conferences for the purposes of discussing metric education, (5) initial purchase of measurement and mass apparatus (limited to 10 percent of the award), (6) replacement of measurement and mass apparatus, and (7) adaptation of measurement and mass apparatus.

(c) Funds shall not be expended under this part for: (1) Stipends, (2) textbooks (except those exclusively on the metric system), (3) travel of teachers, students, or parents, or (4) dependency allowances.

(20 U.S.C. 1862)

[FR Doc.76–11538 Filed 4–20–76;8:45 am]

federal register

WEDNESDAY, APRIL 21, 1976



PART IV:

DEPARTMENT OF JUSTICE

■

IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Proposed Interpretative Guidelines

DEPARTMENT OF JUSTICE

[28 CFR Part 55]

[Order No. 647–76]

IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

The Voting Rights Act Amendments of 1975, Public Law 94–73, amend the Voting Rights Act of 1965, 42 U.S.C. 1973–1973bb–4, in a number of significant ways. Among the new provisions are requirements that certain States and political subdivisions conduct elections and registration in the language of certain "language minority groups," well as in English.

The Attorney General is considering a proposal to add a new Part 55 to Title 28 of the Code of Federal Regulations. The purpose of this proposal is to set forth the Attorney General's standards for carrying out his enforcement responsibilities with respect to provisions concerning the conduct of elections in languages in addition to English.

It is proposed to make such guidelines effective upon republication.

Upon republication these guidelines will supersede the interim guidelines published October 3, 1975, 40 Fed. Reg. 46080. These proposed guidelines are based on the interim guidelines, on experience gained thus far under the requirements of the Voting Rights Act Amendments of 1975, and on comments from affected jurisdictions and interested individuals and organizations.

Interested persons may participate in the consideration of the proposed guidelines by submitting written comments. Comments should be sent, in duplicate, to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. All comments received on or before May 21, 1976 will be considered.

This statement of interpretative guidelines is proposed under 5 U.S.C. 301, 28 U.S.C. 509, 510, and Pub. L. 94–73.

Dated: April 15, 1976.

EDWARD H. LEVI,
Attorney General.

The proposed new 28 CFR Part 55 reads as follows:

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Subpart A—General Provisions

Sec.
55.1 Definitions.
55.2 Purpose; standards for measuring compliance.
55.3 Statutory requirements.

Subpart B—Nature of Coverage

55.4 Effective date; list of covered jurisdictions.
55.5 Coverage under Section 4(f)(4).
55.6 Coverage under Section 203(c).
55.7 Termination of coverage.
55.8 Relationship between Section 4(f)(4) and Section 203(c).
55.9 Coverage of political units within a county.
55.10 Types of elections covered.

Subpart C—Determining the Exact Language

55.11 General.
55.12 Language used for written material.
55.13 Language used for oral assistance.

Subpart D—Minority Language Materials and Assistance

55.14 General.
55.15 Affected activities.
55.16 Standards and proof of compliance.
55.17 Targeting.
55.18 Provision of minority language materials and assistance.
55.19 Written material.
55.20 Oral assistance and publicity.
55.21 Record keeping.

Subpart E—Preclearance

55.22 Requirements of Section 5 of the Act.

Subpart F—Sanctions

55.23 Enforcement by the Attorney General.

Subpart G—Comment on This Part

55.24 Procedure.

APPENDIX—JURISDICTIONS COVERED

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 509, 510, Pub. L. 94–73.

Subpart A—General Provisions

§ 55.1 Definitions.

For purposes of this Part—

(a) "Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Voting Rights Act Amendments of 1970, 84 Stat. 314, and the Voting Rights Act Amendments of 1975, Pub. L. 94–73, 42 U.S.C. 1973 *et seq.* Section numbers, such as "Section 14(c)(3)," refer to the Act.

(b) "Attorney General" means the Attorney General of the United States.

(c) "Language minority" or "Language minority group" means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Sections 14(c)(3), 203(e). For the purposes of the Act, the following Asian American groups are considered language minority groups: Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans. As used in this Part, "applicable language minority group, refers to the group or groups listed in the determinations as to coverage published in the FEDERAL REGISTER. As used in this Part, each of the seven following groups is considered a "single language minority group": American Indians, Alaskan Natives, persons of Spanish heritage, Chinese Americans, Filipino Americans, Japanese Americans, and Korean Americans.

(d) "Political subdivision" means: "* * * any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c)(2).

§ 55.2 Purpose; standards for measuring compliance.

(a) The purpose of this Part is to set forth the Attorney General's interpretation of the provisions of the Voting Rights Act, as amended by Public Law 94–73 (1975), which require certain States and political subdivisions to conduct elections in the language of certain "language minority groups" in addition to English.

(b) In the Attorney General's view the objective of the Act's provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This Part establishes two basic standards by which the Attorney General will measure compliance: (1) that materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and (2) that the jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with Section 4(f)(4) and Section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under Section 4(f)(4) of the Act are subject to the preclearance requirements of Section 5. See Part 51 of this Chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the United States District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of Section 4(f)(4) are not discriminatory under the terms of Section 5. However, Section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under Section 203(c) of the Act are not subject to the preclearance requirements of Section 5, nor is there a Federal apparatus available for preclearance of Section 203(c) compliance activities. The Attorney General will not preclear jurisdictions' proposals for compliance with Section 203(c).

(f) Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 4(f)(4) occurs in the review pursuant to Section 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of Section 4(f)(4), and in the defense of suits for termination of coverage under Section 4(f)(4). Consideration by the Attorney General of a jurisdiction's compliance with the requirements of Section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of Section 203(c).

(g) In enforcing the Act—through the Section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under Section 4(f)(4)—the Attorney General will follow the general policies set forth in this Part.

(h) This Part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy

Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

§ 55.3 Statutory requirements.

The Act's requirements concerning the conduct of elections in languages in addition to English are contained in Section 4(f)(4) and Section 203(c). These sections state that whenever a jurisdiction subject to their terms "provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in * * * English. * * *

Subpart B—Nature of Coverage

§ 55.4 Effective date; list of covered jurisdictions.

(a) The 1975 Amendments took effect upon the date of their enactment, August 6, 1975.

(1) The requirements of Section 4(f)(4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census and the Attorney General. Such determinations are not reviewable in any court.

(2) The requirements of Section 203(c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court.

(b) Jurisdictions determined to be covered under Section 4(f)(4) or Section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the Appendix to this Part. Any additional determinations of coverage under either Section 4(f)(4) or Section 203(c) will be published in the FEDERAL REGISTER.

§ 55.5 Coverage under Section 4(f)(4).

(a) *Coverage formula.* Section 4(f)(4) applies to any State or political subdivision in which (1) over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group, (2) registration and election materials were provided only in English on November 1, 1972, and (3) fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under Section 4(f)(4).[1]

(b) Coverage may be determined with regard to Section 4(f)(4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of Section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under Section 4(f)(4), individual political subdivisions may be covered.

§ 55.6 Coverage under Section 203(c).

There are two ways in which coverage under Section 203(c) may be established.[2]

(a) Under the first method, a preliminary determination is made by the Director of the Census of States in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular State, is greater than the national illiteracy rate. In these States, a particular political subdivision is covered with respect to the State's applicable language minority group if five percent or more of the voting-age citizens of the political subdivision are members of the applicable language minority group.

(b) The second method of establishing coverage is used with respect to language minority groups not reached by the preliminary determination based on statewide data. Under the second method, covered political subdivisions are those in which more than five percent of the voting-age citizens are members of a single language minority group the illiteracy rate of which, in the particular political subdivision, is greater than the national illiteracy rate.

(c) For the purpose of determinations of coverage under Section 203(c), "illiteracy means the failure to complete the fifth primary grade." Section 203(b).

§ 55.7 Termination of coverage.

(a) *Section 4(f)(4).* A covered jurisdiction may terminate coverage under Section 4(f)(4) (via Section 4(a)) by obtaining from the United States District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of a test or device for a period of ten years. The term "test or device" is defined in Section 4(c) and Section 4(f)(3). When an entire State is covered in this regard, only the State, and not individual political subdivisions within the State, may bring an action to terminate coverage.

(b) *Section 203(c).* The requirements of Section 203(c) apply until August 6, 1985. A covered jurisdiction may terminate such coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate.

§ 55.8 Relationship between Section 4(f)(4) and Section 203(c).

(a) The statutory requirements of Section 4(f)(4) and Section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirments of Section 4(f)(4)—but not jurisdictions subject only to the requirements of Section 203(c)—are also subject to the Act's special provisions, such as Section 5 (regarding preclearance of changes in voting laws) and Section 6 (regarding Federal examiners).[3] See Part 51 of this Chapter.

(c) Although the coverage formulas applicable to Section 4(f)(4) and Section 203(c) are different, a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not in itself authorize the conduct of elections only in English. The jurisdiction would not be able to conduct elections solely in English until it had also succeeded in terminating coverage under the other applicable provision.

§ 55.9 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to Section 4(f)(4) or Section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

§ 55.10 Types of elections covered.

(a) *General.* The language provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c)(1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.11 General.

The requirements of Section 4(f)(4) or Section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the At-

[1] Coverage is based on Sections 4(b) (third sentence), 4(c), and 4(f)(3).

[2] The criteria for coverage are contained in Section 203(b).

[3] In addition, a jurisdiction covered under Section 203(c) but not under Section 4(f)(4) is subject to the Act's special provisions if it was covered under Section 4(b) prior to the 1975 Amendments to the Act.

torney General or the Director of the Census. This Subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective.

§ 55.12 Language used for written material.

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(b) *Languages with more than one written form.* Some languages, for example, Japanese, have more than one written form. A jurisdiction required to provide election materials in such a language need not provide more than one version. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(c) *Unwritten Languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, only oral assistance is required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the covered jurisdiction to determine whether a language should be considered written or unwritten.

§ 55.13 Language used for oral assistance.

(a) *Languages with more than one dialect.* Some languages, for example, Chinese, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See § 55.20.)

(b) *Language minority groups having more than one language.* In some jurisdictions members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a group, the jurisdiction's obligation is to ascertain the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See § 55.20.)

Subpart D—Minority Language Materials and Assistance

§ 55.14 General.

(a) This Subpart sets forth the views of the Attorney General with respect to the requirements of Section 4(f)(4) and Section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce Section 4(f)(4) and Section 203(c). Through the use of his authority under Section 5 and his authority to bring suits to enforce Section 4(f)(4) and Section 203(c), the Attorney General will seek to prevent or remedy discrimination against members of language minority groups based on the failure to use the applicable minority language in the electoral process. The Attorney General also has the responsibility to defend against suits brought for the termination of coverage under Section 4(f)(4) and Section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of Section 4(f)(4) and Section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

The requirements of Sections 4(f)(4) and 203(c) apply with regard to the provision of "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

Compliance with the requirements of Section 4(f)(4) and Section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with Section 4(f)(4) or Section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term "targeting" is commonly used in discussions of the requirements of Section 4(f)(4) and Section 203(c). "Targeting" refers to a system in which the minority language materials or assistance required by the Act are provided to less than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act's minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing and by other publicity regarding the availability of such materials, may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an

effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling them to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of notices in minority language newspapers, and direct contact with language minority group organizations.

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the electorate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

(a) *General.* Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his own choice. The basic standard is one of effectiveness.

§ 55.21 Record keeping.

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

§ 55.22 Requirements of Section 5 of the Act.

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with Section 4(f)(4) or Section 203(c). If a jurisdiction is subject to the preclearance requirements of Section 5 (see § 55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the United States District Court for the District of Columbia. Procedures for the administration of Section 5 are set forth in Part 51 of this Chapter.

Subpart F—Sanctions

§ 55.23 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including Section 4 and Section 203. See Sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See Section 11(a)–(c) and Section 205.

Subpart G—Comment on This Part

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Alaska	Alaskan Natives [1].	
Election District 1		Alaskan Natives.
Election District 2		Do.
Election District 3		Do.
Election District 4		Do.
Election District 5		Do.
Election District 14.		Do.
Election District 15.		Do.
Election District 16.		Do.
Election District 17.		Do.
Election District 18.		Do.
Election District 19.		Do.
Election District 21.		Do.
Election District 22.		Do.
Arizona	Spanish heritage [1].	
Apache County	American Indian.	Spanish heritage, American Indian.
Cochise County		Spanish heritage.
Coconino County	American Indian.	American Indian, spanish heritage.
Gila County		Do.
Graham County		Do.
Greenlee County		Spanish heritage.
Maricopa County		Do.
Mohave County		Do.
Navajo County	American Indian.	American Indian, Spanish heritage.
Pima County		Spanish heritage.
Pinal County	American Indian.	American Indian, Spanish heritage
Santa Cruz County.		Spanish heritage.
Yavapai County		Do.
Yuma County		Do.
California:		
Alameda County		Do.
Amador County		Do.
Colusa County		Do.
Contra Costa County.		Do.
Fresno County		Do.
Imperial County		Do.
Inyo County		American Indian.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
California—Continued		
Kern County		Spanish heritage.
Kings County	Spanish heritage.	Do.
Lassen County		Do.
Los Angeles County.		Do.
Madera County		Do.
Merced County	Spanish heritage.	Do.
Monterey County		Do.
Napa County		Do.
Orange County		Do.
Placer County		Do.
Riverside County		Do.
Sacramento County.		Do.
San Benito County		Do.
San Bernardino County.		Do.
San Diego County		Do.
San Francisco County.		Spanish heritage. Chinese American.
San Joaquin County.		Spanish heritage.
San Luis Obispo County.		Do.
San Mateo County		Do.
Santa Barbara County.		Do.
Santa Clara County.		Do.
Santa Cruz County		Do.
Sierra County		Do.
Solano County		Do.
Sonoma County		Do.
Stanislaus County		Do.
Sutter County		Do.
Tulare County		Do.
Tuolumne County		Do.
Ventura County		Do.
Yolo County		Do.
Yuba County	Spanish heritage.	Do.
Colorado:		
Adams County		Do.
Alamosa County		Do.
Archuleta County		Do.
Bent County		Do.
Boulder County		Do.
Chaffee County		Do.
Clear Creek County.		Do.
Conejos County		Do.
Costilla County		Do.
Crowley County		Do.
Delta County		Do.
Denver County		Do.
Eagle County		Do.
El Paso County	Spanish heritage.	Do.
Fremont County		Do.
Huerfano County		Do.
Jackson County		Do.
Lake County		Do.
La Plata County		Do.
Las Animas County.		Do.
Mesa County		Do.
Moffat County		Do.
Montezuma County.		Spanish heritage, American Indian.
Montrose County		Spanish heritage.
Morgan County		Do.
Otero County		Do.
Prowers County		Do.
Pueblo County		Do.
Rio Grande County.		Do.
Saguache County		Do.
San Juan County		Do.
San Miguel County		Do.
Sedgwick County		Do.
Weld County		Do.
Connecticut: Bridgeport Town (Fairfield County).		Do.
Florida:		
Collier County		Do.
Dade County		Do.
Glades County		American Indian.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Florida—Continued		
Hardee County	Spanish heritage.	Spanish heritage.
Hendry County		Do.
Hillsborough County.	Spanish heritage.	Do.
Monroe County	do	Do.
Hawaii:		
Hawaii County		Filipino American, Japanese American.
Honolulu County		Chinese American, Filipino American.
Kauai County		Filipino American, Japanese American.
Maui County		Do.
Idaho:		
Bingham County		American Indian.
Cassia County		Spanish heritage.
Kansas:		
Finney County		Do.
Grant County		Do.
Wichita County		Do.
Louisiana: St. Bernard Parish.		Do.
Maine: Perry Town (Washington County).		American Indian.
Michigan:		
Orangeville Township (Barry County).		Spanish heritage.
Sugar Island Township (Chippewa County).		American Indian.
Imlay Township (Lapeer County).		Spanish heritage.
Adrian City (Lenawee County).		Do.
Madison Township (Lenawee County).		Do.
Grant Township (Newaygo County).		Do.
Buena Vista Township (Saginaw County).		Do.
Saginaw City (Saginaw County).		Do.
Minnesota:		
Beltrami County		American Indian.
Cass County		Do.
Mahnomen County		Do.
Mississippi: Neshoba County.		Do.
Montana:		
Blaine County		Do.
Glacier County		Do.
Hill County		Do.
Lake County		Do.
Roosevelt County		Do.
Rosebud County		Do.
Valley County		Do.
Nebraska:		
Scotts Bluff County.		Spanish heritage.
Thurston County		American Indian.
Nevada:		
Elko County		Spanish heritage, American Indian.
Mineral County		American Indian.
Nye County		Spanish heritage.
White Pine County		Do.
New Mexico:		
Bernalillo County		Do.
Catron County		Do.
Chaves County		Do.
Colfax County		Do.
Curry County	Spanish heritage.	Do.
De Baca County		Do.
Dona Ana County		Do.
Eddy County		Do.
Grant County		Do.
Guadalupe County		Do.
Harding County		Do.

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
New Mexico—Continued		
Hidalgo County		Do.
Lea County		Do.
Lincoln County		Do.
Los Alamos County.		Do.
Luna County		Do.
McKinley County	American Indian, Spanish heritage.	American Indian, Spanish heritage.
Mora County		Spanish heritage.
Otero County	Spanish heritage.	Do.
Quay County		Do.
Rio Arriba County		American Indian Spanish heritage.
Roosevelt County		Spanish heritage.
Sandoval County		American Indian, Spanish, heritage.
San Juan County		Do.
San Miguel County		Spanish heritage.
Sante Fe County		Do.
Sierra County		Do.
Socorro County		Do.
Taos County		American Indian, Spanish hertiage.
Torrance County		Spanish heritage.
Union County		Do.
Valencia County		American Indian, Spanish heritage.
New York:		
Bronx County	Spanish heritage.	Spanish heritage.
Kings County	do	Do.
New York County		Do.
North Carolina:		
Hoke County		American Indian.
Jackson County	American Indian.	Do.
Robeson County		Do.
Swain County		Do.
North Dakota:		
Benson County		Do.
Dunn County		Do.
McKenzie County		Do.
Mountrail County		Do.
Rolette County		Do.
Oklahoma:		
Adair County		Do.
Baline County		Do.
Caddo County		Do.
Cherokee County		Do.
Choctaw County	American Indian.	Do.
Coal County		Do.
Craig County		Do.
Delaware County		Do.
Harmon County		Spanish heritage.
Hughes County		American Indian.
Johnston County		Do.
Latimer County		Do.
McCurtain County	American Indian.	Do.
McIntosh County		Do.
Mayes County		Do.
Okfuskee County		Do.
Okmulgee County		Do.
Osage County		Do.
Ottawa County		Do.
Pawnee County		Do.
Pushmataha County.		Do.
Rogers County		Do.
Seminole County		Do.
Sequoyah County		Do.
Tillman County		Spanish heritage.
Oregon:		
Jefferson County		American Indian.
Malheur County		Spanish heritage.
South Dakota:		
Bennett County		American Indian.
Charles Mix County.		Do.
Corson County		Do.
Lyman County		Do.
Mellette County		Do.
Shannon County	American Indian.	Do.
Washabaugh County.		Do.
Todd County	American Indian.	

APPENDIX.—*Jurisdictions covered under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975.*

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)	Coverage under sec. 203(c)
Texas	Spanish heritage.[1]	
Andrews County		Spanish heritage.
Aransas County		Do.
Atascosa County		Do.
Bailey County		Do.
Bandera County		Do.
Bastrop County		Do.
Bee County		Do.
Bell County		Do.
Bexar County		Do.
Blanco County		Do.
Borden County		Do.
Brazoria County		Do.
Brazos County		Do.
Brewster County		Do.
Briscoe County		Do.
Brooks County		Do.
Burleson County		Do.
Burnet County		Do.
Caldwell County		Do.
Calhoun County		Do.
Cameron County		Do.
Castro County		Do.
Cochran County		Do.
Coke County		Do.
Colorado County		Do.
Comal County		Do.
Concho County		Do.
Coryell County		Do.
Cottle County		Do.
Crane County		Do.
Crockett County		Do.
Crosby County		Do.
Culberson County		Do.
Dallam County		Do.
Dawson County		Do.
Deaf Smith County.		Do.
De Witt County		Do.
Dickens County		Do.
Dimmit County		Do.
Duval County		Do.
Ector County		Do.
Edwards County		Do.
Ellis County		Do.
El Paso County		Do.
Falls County		Do.
Fisher County		Do.
Floyd County		Do.
Foard County		Do.
Fort Bend County		Do.
Frio County		Do.
Gaines County		Do.
Galveston County		Do.
Garza County		Do.
Gillespie County		Do.
Glasscock County		Do.
Goliad County		Do.
Gonzales County		Do.
Grimes County		Do.
Guadalupe County		Do.
Hale County		Do.
Hall County		Do.
Hansford County		Do.
Harris County		Do.
Haskell County		Do.
Hays County		Do.
Hidalgo County		Do.
Hockley County		Do.
Howard County		Do.
Hudspeth County		Do.
Jackson County		Do.
Jeff Davis County		Do.
Jim Hogg County		Do.
Jim Wells County		Do.
Jones County		Do.
Karnes County		Do.
Kendall County		Do.
Kenedy County		Do.
Kerr County		Do.
Kimble County		Do.
Kinney County		Do.
Kleberg County		Do.
Knox County		Do.
Lamb County		Do.
Lampasas County		Do.
La Salle County		Do.
Live Oak County		Do.
Lubbock County		Do.
Lynn County		Do.
McCulloch County		Do.
McLennan County		Do.
McMullen County		Do.
Madison County		Do.
Martin County		Do.
Mason County		Do.
Matagorda County		Do.
Maverick County		Do.
Medina County		Do.
Menard County		Do.
Midland County		Do.
Milam County		Do.
Mitchell County		Do.
Moore County		Do.
Nolan County		Do.
Nueces County		Do.
Parmer County		Do.
Pecos County		Do.
Potter County		Do.
Presidio County		Do.
Reagan County		Do.
Real County		Do.
Reeves County		Do.
Refugio County		Do.
Robertson County		Do.
Runnels County		Do.
San Patricio County.		Do.
San Saba County		Do.
Schleicher County		Do.
Scurry County		Do.
Sherman County		Do.
Starr County		Do.
Sterling County		Do.
Sutton County		Do.
Swisher County		Do.
Taylor County		Do.
Terrell County		Do.
Terry County		Do.
Throckmorton County.		Do.
Tom Green County.		Do.
Travis County		Do.
Upton County		Do.
Uvalde County		Do.
Val Verde County		Do.
Victoria County		Do.
Ward County		Do.
Webb County		Do.
Wharton County		Do.
Willacy County		Do.
Williamson County		Do.
Wilson County		Do.
Winkler County		Do.
Yoakum County		Do.
Zapata County		Do.
Zavala County		Do.
Utah:		
Carbon County		Spanish heritage.
San Juan County		American Indian.
Tooele County		Spanish heritage.
Uintah County		American Indian.
Virginia: Charles City County.		Do.
Washington:		
Adams County		Spanish heritage.
Columbia County		Do.
Ferry County		American Indian.
Grant County		Spanish heritage.
Okanogan County		American Indian.
Yakima County		Spanish heritage.
Wisconsin:		
Nashville Town (Forest County).		American Indian.
Bovina Town (Outagamie County).		Spanish heritage.
Oneida Town (Outagamie County).		American Indian.
Hayward City (Sawyer County).		Do.
Wyoming:		
Carbon County		Spanish heritage.
Fremont County		American Indian.
Laramie County		Spanish heritage.
Sweetwater County		Do.
Washakie County		Do.

[1] Statewide coverage.

[FR Doc.76-11514 Filed 4-20-76;8:45 am]

federal register

WEDNESDAY, APRIL 21, 1976



PART V:

INTERSTATE COMMERCE COMMISSION

■

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Republication of Amended Standards

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

On January 8, 1975, the Rail Services Planning Office of the Interstate Commerce Commission published rail service continuation subsidy standards (40 FR 1624). The standards have since been amended on March 28, 1975 (40 FR 14186); on January 22, 1976 (41 FR 3402); and on March 26, 1976 (41 FR 12836). In light of the number of amendments which have been made to the standards as originally promulgated and the public's need for an up-to-date copy of the standards, the Office is publishing herewith a complete set of the standards as amended to date.

ROBERT L. OSWALD,
Secretary.

Sec.

1125.1 Purpose and scope.
1125.2 Definitions.
1125.3 Interim subsidy payment.
1125.4 Revenue attributable to the rail properties.
1125.5 Avoidable costs of providing service.
1125.6 Valuation of rail properties.
1125.7 Reasonable return on the value of the properties.
1125.8 Reasonable management fee.
1125.9 Submission of information by railroad giving notice of intent to discontinue service on a branch.

Appendix I

Appendix II

AUTHORITY: Sec. 205(d)(6), Regional Rail Reorganization Act of 1973, Pub. L. 93-236 87 Stat. 985, 994, as amended by sec. 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31, 57.

§ 1125.1 Purpose and scope.

(a) Section 304(c)(2) of the Act as amended provides that no rail service may be discontinued and no rail properties may be abandoned pursuant to that section if a financially responsible person (including a government entity) offers to provide a rail service continuation payment which is designed to cover the difference between the revenue attributable to such rail properties and the avoidable costs of providing rail service on such properties, together with a reasonable return on the value of such properties.

(b) Section 304(d)(1) provides that if a rail service continuation payment is offered pursuant to Section 304(c)(2)(A) for rail freight service, the offeror shall designate the operator of the service. The operator shall be entitled to receive from the offeror the difference between the revenue attributable to the properties and the avoidable costs of providing service together with a reasonable management fee.

(c) Section 205(d)(6) of the Act as amended directs the Rail Services Planning Office to determine and publish standards for determining the "revenue attributable to the rail properties", the "avoidable costs of providing service", a "reasonable return on the value" and a "reasonable management fee" as those phrases are used in Section 304 of the Act as amended. This Part sets forth those standards.

(d) The standards set forth herein employ an interim formula for establishing an estimated first year subsidy payment. This estimate will serve as a basis for the subsidy offer within the context of section 304(c)(2) of the Act as amended and provide a framework for the negotiation of a subsidy agreement. The amount a subsidizer must offer under section 304(c)(2)(A) as amended is the amount computed in accordance with the interim formula, or $1.00, whichever is the greater amount. The final payment will be adjusted based on data related to the subsidy period. Where an adjustment results in an increase in the estimated subsidy payment, the amount of such increase in excess of 15 percent of the estimated payment shall be treated as a carryover avoidable cost in the subsequent subsidy year unless the railroad notifies the subsidizer that the estimate will be exceeded by more than 15 percent in one of the first three quarterly Financial Status Reports required by § 1125.9(f) or the increase results from an expense preapproved by the subsidizer.

§ 1125.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Account" means an account in the Commission's Uniform System of Accounts for Railroad Companies (49 CFR Part 1201).

"Act" means the Regional Rail Reorganization Act of 1973, Public Law 93-236 (87 Stat. 985).

"Base year" means the same year employed by the U.S. Railway Association in developing the final system plan.

"Branch" means a segment of a railroad that is not designated to be in the final system plan under the Act, and that is the subject of a notice in writing of intent to discontinue service under section 304(a) of the Act and notice of intent to abandon rail properties under section 304(b) of the Act.

"Commission" means the Interstate Commerce Commission.

"Form R-1" means the railroad's annual report filed with the Commission in accordance with the requirements of section 20 of the Interstate Commerce Act.

"Notice of Intent" means a notice in writing of intent to discontinue service under section 304(a) of the Act and notice of intent to abandon rail properties under section 304(b) of the Act.

"Office" means the Rail Services Planning Office established by section 205 of the Act.

"Person offering a subsidy" means a shipper, a State, the United States, a local or regional transportation authority, or any responsible person offering a rail service continuation subsidy under section 304(c)(2)(A) of the Act.

"Rail Form A" means the Commission's *Formula for Use in Determining Rail Freight Service Costs, Statement 1F1-73.*

"Railroad" means a railroad company, or the trustee or trustees of a railroad company, that gives a notice in writing of intent to discontinue service under section 304(a) of the Act, and, as the context requires, "railroad" may mean either the owner of rail properties over which subsidized service is or may be performed, or the operator of that service, or both.

"Subsidy year" means any 12 month period for which a subsidy agreement is negotiated and in operation.

§ 1125.3 Interim subsidy payment.

The person offering a subsidy shall offer to pay, in return for the continuation of rail service, an amount computed on the basis of the interim formula described in this section. The interim payment may be adjusted, by agreement of the parties, to take into account factors, such as rate increases and changes in traffic levels which would make the sole use of base year data an inappropriate means of estimating the payment for the subsidy year. The interim formula makes use of estimates of revenues, off-branch costs, on-branch costs and a return on the value of the properties involved. The "base year" for all estimates under this section shall be the same year employed by the United States Railway Association in developing the final system plan pursuant to sections 206 and 207 of the Act.

(a) *Revenues.* The estimated revenues shall include all the sources of revenue described in § 1125.4, computed on the basis of base year data.

(b) *Off-branch costs.* A ratio of off-branch costs to revenues for the base year shall be used to derive the estimate of the off-branch costs for the subsidy year. The base year off-branch costs shall be calculated using the methodology described in § 1125.5(k). If data identifying actual carloads by car type are not available, car type shall be based upon the railroad's best estimate. A ratio shall be developed by applying these costs against the base year revenues. The resulting ratio shall be applied to the revenues estimated in paragraph (a) of this section to develop the estimated off-branch cost for the subsidy year.

(c) *On-branch costs.* The estimate for on-branch costs shall be separated into the following six categories: Routine maintenance of way and structures, rehabilitation, maintenance of equipment, transportation, taxes, and miscellaneous.

(1) The costs for routine maintenance of way and structures shall be estimated at $1,000 per year per mile of track on the branch for which the railroad is responsible for maintenance, unless the parties agree to a higher level.

(2) Rehabilitation costs will not be included unless (A) the track involved does not meet minimum Federal Railroad Administration (FRA) Class 1 safety standards (49 CFR Part 213), in which case, the railroad will furnish a detailed estimate of the costs to rehabilitate the track

to the minimum level with the notice of intent and provision to cover such costs shall be included in the subsidy agreement; or (B) the potential subsidizer requests a level of service which requires expenditures for rehabilitation, and makes such a request within 10 days after the date the notice of intent is filed, in which case the railroad shall furnish an estimate of the costs involved within 20 days after the date of that request. All such requests and estimates shall be on a specific project basis.

(3) The estimate for maintenance of equipment costs shall be based on the same methodology employed in § 1125.5 (b), using base year data rather than subsidy year data. Unless the parties agree to a different base, the resulting average unit costs shall be applied to the branch base year service units to arrive at the estimate.

(4) Transportation costs shall be estimated, based upon system average costs. The number of trips per year shall be based upon the frequency of service performed at the time the notice is filed unless the parties agree to a different level. Labor costs for train crews shall be based on system average costs for each type of crew applied to the hours of service on the branch. The crew costs shall be classified into four major categories: Yard, local/way, though, and passenger. The straight time average cost per hour for each yard, local/way or through train crew member shall be calculated using the railroad's Employees, Service, and Compensation Report (Form B) for the base year. The calculation is made by adding together the straight time compensation, col. (9), and the constructive allowances, col. (11), and dividing this total by the straight time hours actually worked, col. (4). This process would be repeated for each yard, local/way and through train class of employee. After the hourly rate is determined for each member, the cost per crew hour shall be calculated based on the exact size and consist of the crew currently serving the branch. The crew cost per hour is multiplied by the estimated hours that will be incurred in serving the branch during the subsidy period. The estimated direct crew costs must be increased to cover fringe benefits using the procedure described in § 1125.5(e). The railroad shall also furnish estimates of costs for the remaining transportation accounts using the final standards as a guide to their includability and basis of calculation.

(5) The estimate for property taxes shall be based upon the base year actual tax assessment, adjusted for tax rate changes. Revenue taxes shall be based upon the revenue level estimated pursuant to paragraph (a) of this section.

(6) The estimate for miscellaneous expenses shall include only those direct outlays anticipated during the subsidy year plus an allowance for administrative costs based upon one-half of one percent of the revenues estimated in § 1125.3(a).

(d) *Return on value.* The railroad shall appraise the value of the property on the basis of definition found in § 1125.6. If the valuation is challenged, an appraisal of the property by a qualified and certified appraiser(s) shall be offered by the potential subsidizer. If the parties cannot agree on a valuation through negotiation, an average of the two appraisals shall be used as the basis of the interim formula. The rate of return to be applied to the value of the properties shall be estimated in accordance with the procedures described in § 1125.7.

(e) *Management Fee.* The estimated management fee shall be based on the standard adopted in § 1125.8 and applied to the revenue determined pursuant to paragraph (a) of this section.

§ 1125.4 Revenue attributable to the rail properties.

The revenue attributable to the rail properties of a branch is the total of the revenues assigned to the branch in accordance with this section, plus any subsidy payments that would cease upon discontinuance of service on the branch, for the subsidy year. The revenues assigned shall be derived from the following accounts:

(a) *Account 101—Freight.* The revenues assigned under this account shall be the actual revenues accruing to the railroad, derived from waybills and other source documents for all traffic that:

(1) Originates and terminates on the branch;

(2) Originates or terminates on the branch and is handled off the branch on the system but not on another carrier; and,

(3) Originates or terminates on the branch and is handled on another carrier.

The revenues of all bridge or overhead traffic shall be attributed to the branch on the basis of the ratio of miles moved on the branch to miles moved on the system.

(b) *Account 102—Passenger; Account 104—Sleeping car; and Account 105—Parlor and chair car.* The revenues assigned under these accounts shall be the amounts in the railroad's accounts apportioned to the branch on the basis of the ratio of passenger miles on the branch to passenger miles on the system of the railroad.

(c) *Account 103—Baggage; Account 106—Mail; Account 107—Express; Account 108—Other passenger train; Account 109—Milk; and Account 131—Dining and buffet.* "The revenues assigned under these accounts shall be apportioned to the branch on the basis of the ratio of passenger car-miles on the branch to passenger car-miles on the system of the railroad but only if such revenue is earned by trains operating on the branch line."

(d) *Account 110—Switching; Account 113—Water transfers; Account 132—Hotel and restaurant; Account 133—Station, train, and boat privileges; Account 135—Storage—Freight; Account 137—Demurrage; Account 138—Communication; Account 139—Grain elevator; Account 141—Power; Account 142—Rents of buildings and other property; Account 143—Miscellaneous; Account 151—Joint facility, Cr.; and Account 152—Joint facility, Dr.* The revenues assigned under these accounts shall be the actual revenues accruing to the rail road that are directly attributable to the branch.

§ 1125.5 Avoidable costs of providing service.

The avoidable costs of providing service on a branch are the total of the costs assigned or apportioned to the branch in accordance with this section. All on-branch costs, whether direct or allocated, shall be computed separately for freight and passenger services. Costs apportioned under paragraphs (a) through (k) of this section shall be derived from the latest Form R–1 of the railroad filed with the Commission prior to the conclusion of the subsidy year. Labor costs must be identified separately for all accounts when costs are assigned on a direct basis.

(a) *Maintenance of way and structures*—(1) *Account 202—Roadway maintenance; Account 212—Ties; Account 214—Rails; Account 216—Other track material; Account 218—Ballast; and Account 220—Track laying and surfacing.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(2) *Account 206—Tunnels and subways; Account 208—Bridges, trestles and culverts; Account 210—Elevated structures; Account 221—Fences, snowsheds, and signs; Account 227—Station and office buildings; Account 229—Roadway buildings; Account 231—Water stations; Account 233—Fuel stations; Account 235—Shops and engine houses; Account 237—Grain elevators; Account 239—Storage warehouses; Account 241—Wharves and docks; Account 243—Coal and ore wharves; Account 244—TOFC and COFC terminals; Account 247—Communications systems; Account 249—Signals and interlockers; Account 253—Power plants; Account 257—Power—transmission systems; and Account 265—Miscellaneous structures.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis. A cost may not be assigned under one of these accounts unless the facility to which it pertains is in use for rail transportation purposes and its only useful purpose is to serve the branch.

(3) *Account 272—Removing snow, ice, and sand; Account 273—Public improvements—Maintenance; Account 278—Maintaining joint tracks, yards, and other facilities—Dr.; Account 279—Maintaining joint tracks, yards, and other facilities—Cr.; Account 281—Right-of-way expenses; and Account 282—Other expenses.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(b) *Maintenance of Equipment*—(1) *Account 311—Locomotives—Repairs.* This account shall be separated between yard and other (road) with a further separation between diesel and other electric). The costs assigned under this account for yard locomotives shall be apportioned to the branch separately for diesel and electric locomotives on the

basis of the ratio of branch diesel and electric yard locomotive unit-hours to the total system diesel and electric yard locomotive unit-hours. The costs assigned under this account for other locomotives (road) shall be apportioned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric locomotive gross ton-miles in road service to the total system diesel and electric locomotive gross ton-miles in road service.

(2) *Account 317—Passenger-train cars—Repairs.* The costs assigned under this account shall be the actual branch costs assigned on a direct basis. If the costs cannot be assigned on a direct basis, the amount in the railroad's account shall be apportioned to the branch on the basis of the ratio of branch passenger car-miles to the railroad's total passenger car-miles.

(3) *Account 318—Highway revenue equipment—Repairs.* The costs assigned under this account shall be the actual branch costs assigned on a direct basis.

(4) *Account 323—Floating equipment—Repairs; Account 326—Work equipment—Repairs; Account 328—Miscellaneous equipment—Repairs; Account 329—Dismantling retired equipment; and Account 330—Retirements—Equipment.* The costs assigned under these accounts shall be the actual costs that are directly attributable to the branch.

(5) *Account 331—Equipment—Depreciation—(52) Locomotives—Yard.* This account shall be included if the branch is serviced by a yard locomotive. The cost shall be assigned to the branch on the basis of the ratio of locomotive unit-hours on the branch to total locomotive unit-hours on the system.

(52) *Locomotives—Other.* When a branch is served by a local/way or through train crew the expense shall be assigned to the branch on the basis of the ratio of locomotive unit hours on the branch to the total locomotive unit-hours on the system.

(53) *Freight-train cars.* On-branch car costs shall be calculated on the basis of system average day and mileage ratios. This is an element in the cost per car-day and per car-mile calculation.

(54) *Passenger train cars.* In those instances where passenger service is offered on the branch, this expense shall be assigned to the branch on the basis of the ratio of passenger car miles on the branch to the passenger car-miles on the total system.

(55) *Highway revenue equipment.* Only equipment which is specialized in its capacity and/or would not be used elsewhere in revenue service may be included. The inclusion of the expense shall be on an actual basis only.

(56) *Floating equipment.* Expenses relating to equipment under this category for which there would be no further need may be included on an actual basis only.

(6) *Account 336—Joint maintenance of equipment expenses—Dr.; Account 337—Joint maintenance of equipment expenses—Cr.; and Account 339—Other expenses.* The costs assigned under these accounts shall be the actual costs that are directly attributable to the branch.

(c) *Transportation—Rail Line.*—(1) *Account 372—Dispatching trains; Account 373—Station employees; Account 374—Weighing, inspection, and demurrage bureaus; Account 375—Coal and ore wharves; Account 377—Yardmasters and yard clerks; Account 379—Yard switch and signal tenders; and Account 407—Communication system operation.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis and will be assignable only if it can be demonstrated that such costs would be avoided as a result of the service being discontinued.

(2) *Account 376—Station supplies and expenses; and Account 389—Yard supplies and expenses.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(3) *Account 378—Yard conductors and brakemen; and Account 380—Yard enginemen.* These costs shall be assigned only on a direct basis.

(4) *Account 382—Yard switching fuel.* The costs assigned to this account shall be the amount in the railroad's account apportioned to the branch on the basis of the ratio of yard diesel locomotive unit-hours on the branch to the railroad's total yard diesel locomotive unit hours.

(5) *Account 383—Yard switching power produced; and Account 384—Yard switching power purchased.* The costs assigned to these accounts shall be the amount in the railroad's accounts apportioned to the branch on the basis of the ratio of electric yard locomotive unit-hours on the branch to the railroad's total electric yard locomotive unit-hours.

(6) *Account 388—Servicing yard locomotives.* The costs assigned to this account shall be the amount in the railroad's account apportioned to the branch on the basis of the ratio of branch yard locomotive unit hours to the railroad's total yard locomotive unit hours.

(7) *Account 392—Train enginemen; and Account 401—Trainmen.* These costs shall be the actual branch costs assigned on a direct basis.

(8) *Account 394—Train fuel.* If the branch is served by a local/way or through train crew, the costs assigned under this account shall be the amount in the railroad's account apportioned to the branch on the basis of the ratio of branch diesel locomotive unit-hours (road) to the railroad's total diesel locomotive unit-hours (road).

(9) *Account 395—Train power produced; Account 396—Train power purchased.* The costs assigned to these accounts shall be the amounts in the railroad's accounts apportioned to the branch on the basis of the ratio of branch electric road locomotive unit hours to the railroad's total system electric road locomotive unit hours.

(10) *Account 400—Servicing train locomotives.* If the branch is served by a local/way or through train crew, the costs assigned under this account shall be the amount in the railroad's account apportioned to the branch on the basis of the ratio of branch locomotive unit-miles (road) to the railroad's total locomotive unit miles (road).

(11) *Account 402—Train supplies and expenses.* If the branch is served by a local/way or through train crew, the costs assigned under this account shall be the amount in the railroad's account apportioned to the branch on the basis of the ratio of branch train hours to the railroad's total train-hours. However, heater and refrigerator charges and credits may not be included in Account 402 unless they are applicable to the branch.

(12) *Account 404—Signal and interlocker operation; and Account 405—Crossing protection.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(13) *Account 406—Drawbridge operation; and Account 408—Operating floating equipment.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis, but only if those costs are incurred for the exclusive use of the branch.

(14) *Account 411—Other expenses; Account 414—Insurance; Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on the right-of-way; Account 418—Loss and damage—Freight; Account 420—Injuries to persons; Account 421—TOFC/COFC terminals; Account 422—Other highway transportation expenses; Account 390—Operating joint yards and terminals—Dr.; Account 391—Operating joint yards and terminals—Cr.; Account 412—Operating joint tracks and facilities—Dr.; and Account 413—Operating joint tracks and facilities—Cr.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(d) *Miscellaneous Operations.—Account 441—Dining and buffet service; Account 442—Hotels and restaurants; Account 443—Grain elevators; Account 445—Producing power sold; Account 446—Other miscellaneous operations; Account 447—Operating joint miscellaneous facilities—Dr.; and Account 448—Operating joint miscellaneous facilities—Cr.* The costs assigned under these accounts shall be the actual branch costs assigned on a direct basis.

(e) *Fringe benefits.* (1) Fringe benefits shall be assigned on a basis of a percentage of direct wages. The percentage shall be developed by using data from the railroad's latest Form R-1. The total of all health and welfare accounts (Accounts 277, 335, 359, 409, 449, and 456) taken from Sch. 320, col. (b) shall be added to the total of payroll taxes, old-age retirement and unemployment insurance, taken from Sch. 350, and divided by the total employee compensation taken from Sch. 320, col. (b). The resulting percentage shall be applied to the direct labor costs relating to maintenance of way and structures, transportation, and miscellaneous expenses.

(2) Since direct labor costs are not available for maintenance of equipment, the railroad shall be required to furnish a ratio of labor costs to total maintenance

of equipment expenses. The ratio shall be applied to the maintenance of equipment costs assigned to the branch to develop an estimate of the related labor costs. The percentage developed in the preceding paragraph shall then be applied to the estimated labor costs to develop the fringe benefit costs for maintenance of equipment.

(f) *Revenue taxes.* The amount of revenue taxes shall be computed based on the amounts directly paid in those States that subject the railroad to a revenue tax.

(g) *Property taxes.* The amount of property taxes shall be the amount levied against the property on the branch, in those States where a true ad valorem tax is levied, based on the value of certain kinds of railroad property such as track, land buildings, and other facilities. In States where property taxes are levied on the basis of a formula of a State-wide valuation of property, the railroad shall support any claim of savings for property taxes in the event of abandonment of the branch. If the railroad would realize State-wide savings on the basis of a proposed discontinuance of service on more than one branch operated in that State, the amount assigned to that branch shall be apportioned on the basis of the ratio of the miles of track on that branch to the railroad's miles of track proposed for discontinuance in that State.

(h) *Rent income*—(1) *Account 503—Hire of freight cars and highway revenue equipment—Credit balance.* The amount assigned under this account shall be based on a special analysis of the highway revenue equipment used exclusively on the branch.

(2) *Account 504—Rent from locomotives; Account 505—Rent from passenger-train cars; Account 506—Rent from floating equipment; and Account 507—Rent from work equipment.* The amounts assigned under these accounts shall be based on the actual receipts for the kind of equipment rented, but may not be included unless the kind of equipment rented is normally used exclusively for branch traffic.

(3) *Account 508—Joint facility rent income.* The amounts assigned under this account shall be the actual branch receipts assigned on a direct basis.

(i) *Rents Costs*—(1) *Account 536—Hire of freight cars and highway revenue freight equipment—Debit balance.* The amount assigned under this account shall be based on a special analysis of the highway revenue equipment used exclusively on the branch.

(2) *Account 537—Rent for locomotives; Account 538—Rent for passenger-train cars; and Account 539—Rent for floating equipment.* If the equipment is used exclusively for branch traffic, the costs assigned under these accounts shall be the actual branch costs assigned on a direct basis. If analysis shows common rents, the common rents cost shall be apportioned to the branch on the basis of the ratio of applicable locomotive, passenger-train car, or floating equipment days or miles, as used for billing purposes, on the branch to the total of those days or miles on other lines of the railroad.

(3) *Account 540—Rent for work equipment.* The costs assigned under this account shall be the actual branch costs assigned on a direct basis.

(4) *Account 541—Joint facility rents.* The costs assigned under this account shall be the actual branch costs assigned on a direct basis, plus, for common expenses, an apportionment of common expenses to the branch on the basis of the ratio of the branch total in Accounts 278, 336, 390, and 412 to the railroad's total in those accounts.

(j) *Freight train car costs.* The on-branch costs for time-mileage freight-train cars shall be calculated on the basis of the railroad's average costs per day and per mile. These costs shall include Account 314—Freight train cars—Repairs; Account 331 (53) Equipment—Depreciation of freight train cars; freight car portion of Account 503—Hire of freight cars and highway revenue equipment—Credit balance; freight car portion of Account 536—Hire of freight cars and highway revenue equipment—Debit balance; and the return on investment in freight-train cars. The system totals for repairs and depreciation shall be divided into time related costs and mileage related costs on the basis of the standard Rail Form A apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs, and 60 percent time and 40 percent mileage for depreciation). Return on investment shall be treated as a 100 percent time related cost. The system total receipts and payments for the hire of time-mileage cars and the basic data used in the development of the car-day and car-mile factors shall be taken from the railroad's latest Form R–1. The specific steps to complete the calcuations are as follows:

(1) The total system car-days shall be calculated by averaging the railroad's freight car ownership at the beginning and ending of the year (R–1, Sch. 417, line 69, cols. n and w); multiplying the average by the standard active number of car-days per car (346) as developed in ICC Docket number 31353; subtracting car-days on foreign lines (R–1, Sch. 376, lines 15 and 16, col. (c)); and adding the foreign car days on home line (R–1, Sch. 376, lines 15 and 16, col. (d)).

(2) The total railroad car miles shall be calculated by adding the loaded car miles (R–1, Sch. 531, line 12, col. (b)) to the empty car miles (R–1, Sch. 531, line 14, col. (d)).

(3) The cost per car-day shall be calculated by adding 50 percent of the railroad's total freight-train car repair cost (R–1, Sch. 320, line 74, col. (e); 60 percent of the railroad's total freight-train car depreciation costs (R–1, Sch. 330, line 3, col. (e); 100 percent of the railroad's return on investment on freight-train cars (Rail Form A, Form 2, line 20, col. (6); the time portion of the railroad's payments for the hire of time-mileage freight-train cars (R–1, Sch. 376, line 14, col. (d) plus 50 percent of *Leased Rental—Railroad, Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (d) and (f)), *Other Basis* (R–1, Sch. 376, line 18, cols. (d) and (f)) and *Auto Racks* (R–1, Sch. 376, line 21, cols. (d) and (f)); subtracting the time portion of the railroad's receipts for hire of time-mileage freight-train cars (R–1, Sch. 376, line 14, col. (c)), and 50 percent of *Leased Rental—Railroad, Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (c) and (e)); *Other Basis* (R–1, Sch. 376, line 18, cols. (c) and (e)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (c) and (e)); and dividing the result by the total system car-days developed in paragraph (1).

(4) The cost per car-mile shall be calculated by adding 50 percent of the railroad's total freight-train car repair cost (R–1, Sch. 320, line 74, col. (e)); 40 percent of the railroad's total freight-train car depreciation costs (R–1, Sch. 330, line 3, col. (e)); the mileage portion of the railroad's payments for hire of time-mileage freight-train cars (R–1, Sch. 376, line 8, col. (d)) plus 50 percent of *Leased Rental—Railroad, Insurance and other Companies* (R–1, Sch. 376, line 17, cols. (d) and (f)), *Other Basis* (R–1, Sch. 376, line 18, cols. (d) and (f)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (d) and (f)); subtracting the mileage portion of the railroad's receipts for the hire of time-mileage freight-train cars (R–1, Sch. 376, line 8, col. (c)), and 50 percent of the following lines: *Leased Rental—Railroad Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (c) and (e)), *Other Basis* (R–1, Sch. 376, line 18, cols. (c) and (e)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (c) and (e)); and dividing the result by the total system car-miles developed in paragraph (2).

(5) The costs per car-day and per car-mile developed in paragraph (j)(4) of this section shall be applied to the total car-days and total car-miles accumulated on the branch for all traffic originated and/or terminated on the branch and all bridge traffic handled by the branch during the subsidy period which are attributable to time-mileage freight-train cars. The car-day and car-mile factors shall be furnished by the railroads. The on-branch costs for freight-train cars rented on a straight mileage basis shall be the system average cost per car-mile applied to the total car-miles accumulated on the branch, loaded and empty. The average cost per car-mile is developed from the railroad's latest Form R–1, Sch. 376, or as follows: col. (d) plus col. (f) divided by col. (b), (using line 1 for tank cars, line 2 for refrigerator cars, line 5 for TOFC/COFC cars and line 3 for all other cars).

(k) *Off-branch costs.* (1) Certain terminal costs, line-haul car costs, and interchange costs shall be considered as the off-branch avoidable costs of providing service over the remainder of the railroad's system. These costs shall be computed by applying variable unit costs to the service units attributed to the branch traffic during the subsidy period.

(2) The following through train single line variable unit costs shall be developed

by the railroad by applying data contained in its latest Form R–1 filed with the Commission to Rail Form A: cost per carload by car type, modified cost per carload by car type (substitute an intertrain switching cost, separated between mileage and other than mileage cars, for a road train to industry switching cost; and substitute a modified car ownership cost developed in accordance with section 1125.5(j) above using an allowance of two days in the terminal to cover the loaded and empty car movement for the standard car ownership costs; cost per car-mile by car type; cost per ton-mile; and cost per car interchanged, separated between mileage cars and other than mileage cars.

(3) Terminal costs shall be calculated by multiplying the modified costs per carload, by car type, by the total number of carloads originated or terminated on the branch during the subsidy year. To this amount add the regular costs per carload, by car type, times the number of carloads which originate or terminate on the branch that are local to the railroad serving the branch.

(4) The line haul costs shall be calculated by applying the costs per car-mile by car type to the loaded car-miles on the system by car type originated or terminated on the branch during the subsidy year and applying the ton-mile unit cost to the total ton-miles on the system of revenue freight in road service originated or terminated on the branch during the subsidy year and totaling the results.

(5) The interchange costs shall be calculated by multiplying the cost per car interchanged by the number of carloads of traffic interchanged that originated or terminated on the branch.

(l) *Miscellaneous avoidable costs.* The amounts assigned under this item shall be those identifiable costs directly related to the branch which are not otherwise assignable in this section.

(m) *Deferred subsidy payments.* If the subsidy amount is paid in deferred payments, the railroad shall be compensated for the use of its working capital by applying the interest rate established in section 1125.7 to the deferred payment for the period of time such payment is outstanding.

(n) *Casualty reserve account.* The costs assigned under this account shall be any payments mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability under *Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on right-of-way; Account 418—Loss and damage—Freight;* and *Account 420—Injuries to persons.* Such cost may include a reasonable fee to cover the cost of administering the fund.

§ 1125.6 Valuation of rail properties.

The value of the rail properties on a branch shall be determined in accordance with the following:

(a) Only the following properties on a branch may be considered:

(1) Those that are used and useful to provide the rail services requested by the person offering a subsidy.

(2) In the absence of a request for specific services by that person, those properties that are used and useful to provide the rail service performed on the branch at the time the final system plan becomes effective, or if no service was being performed at that time, the services that were last performed on the branch.

(b) The value of the properties shall be their net liquidation value for their highest and best use, consistent with applicable zoning and land use regulations, determined by computing their current market value for other than rail transportation purposes, less all costs of dismantling and disposition of improvement necessary to make the remaining property available for its highest and best use.

(c) If the railroad and person offering a subsidy cannot, within a period of time that either of them considers reasonable after the beginning of negotiations for the payment of the subsidy, agree on the properties that are used and useful or the net liquidation value, or both, the one that considers that a reasonable period of time has elapsed may notify the other of its intention to have the matter arbitrated. Each of the parties shall then appoint a representative and the representatives shall select an arbitrator or arbitrators mutually acceptable to them. The decision of the arbitrator or arbitrators shall be final.

(d) If either party fails to appoint a representative within five days after receiving notice from the other party of its representative, or if the appointed representatives fail, within five days after the last one of them is appointed, to agree upon a mutually acceptable arbitrator or arbitrators, either party may submit the matter for arbitration to the American Arbitration Association pursuant to its commercial arbitration rules, and the decision of its arbitrator or arbitrators shall be final.

(e) In considering the value of properties under this section, the arbitrator or arbitrators shall consider, among other factors, any bona fide offer for the properties, or a part thereof, recent sales of adjoining or similar properties, and any available appraisals, by a reputable appraiser, of the properties, or a part thereof.

(f) If the person offering a subsidy is a public body, each meeting of an arbitrator or arbitrators with the parties for the purposes of receiving information or evidence or to hear arguments or views shall be open to the public. Any interested member of the public may file written views, argument, or information with the arbitrator or arbitrators at any time within 3 days after the closing of the sessions that are open to the public.

§ 1125.7 Reasonable return on the value of the properties.

The reasonable return on the value of rail properties, as determined under § 1125.6, shall be the interest rate that is equal to the publicly quoted yield to maturity or earliest call date on the first business day of the month in which the subsidy agreement is entered into, for United States Treasury bonds or notes maturing or having an earliest call date approximately coterminous with the end of the subsidy period. United States Treasury bonds redeemable at par before call or maturity for the sole purpose of applying the proceeds to payment of Federal estate taxes, and Treasury notes Series EA or EO shall be excluded from consideration for this purpose.

§ 1125.8 Reasonable management fee.

Four and one-half percent of the total annual revenues attributable to the branch as determined pursuant to § 1125.4 shall be paid to the railroad as a reasonable management fee. If the railroad and the person offering the subsidy agree to an additional fee designed as an incentive to maximize revenues, minimize expenses, promote efficient service or otherwise achieve public interest objectives, the railroad shall be paid such fee as determined in accordance with such agreement.

§ 1125.9 Submission of information by railroad giving notice of intent to discontinue service on a branch.

(a) A railroad giving notice of intent to discontinue service on a branch shall give to the Director of the Office, and to the governor and railroad regulatory commission of each State within which the branch is located and to any other person upon request an "Estimate of Subsidy Payment" including information prescribed in Appendix I to this Part.

(b) Beginning with the week in which it gives notice of intent to discontinue service on a branch, pursuant to section 304(a)(2)(B) of the Act, the railroad shall publish a copy of that notice of intent in a newspaper or newspapers of general circulation in the areas encompassing the branch at least once a week for three consecutive weeks.

(c) Each railroad providing the information required by paragraph (a) of this section, and publishing a notice as required by paragraph (b) of this section, shall include therein a statement to the effect that copies of the materials and information upon which the railroad's calculations for the purposes of § 1125.3 have been made are located at an office of the railroad within the State or States concerned and may be examined by any interested person during regular working hours. However, documents upon which the calculations are made which disclose information concerning the nature, kind, quantity, destination, consignee, or routing of traffic shall, if the railroad so requests, be shown only to a representative of the person offering a subsidy and only if that representative agrees to keep that information confidential.

(d) A notice of intent to discontinue service, pursuant to section 304(a)(2)

(B) of the Act, is not considered to be completed or given until the railroad has taken the actions required by paragraphs (a) through (c) of this section.

(e) Each railroad must establish a system of collecting the cost and other relevant data required herein at the branch level.

(f) Each railroad must file a "Financial Status Report" including the information prescribed in Appendix II to this Part within 30 days after the end of each quarter of the subsidy year. Significant deviations from the original estimates must be explained. Unless the parties agree otherwise, the third quarter report will be the basis for negotiating the subsequent year subsidy agreement. The year-end report will be the basis of the subsidy payment adjustment.

(g) A railroad entering into a subsidy agreement shall make available, in the same manner and subject to the same conditions described in paragraph (c) of this section, to any interested person copies of the materials and information upon which calculations for the purposes of § 1125.4 through 1125.7 have been or are to be made.

APPENDIX I—INFORMATION TO BE FURNISHED

The following information is required to be furnished under § 1125.8(a). All data shall be developed in accordance with the methodology set forth in § 1125.3.

REVENUES ESTIMATED FOR

1. Freight Originated And/Or Terminated On Branch.
2. Bridge Traffic.
3. Demurrage.
4. Passenger.
5. All Other.
6. Total Estimated Revenues (lines 1 through 5).

AVOIDABLE COST ESTIMATES FOR

7. Off-Branch Costs (Ratio times line 1).
8. On-Branch Costs (lines 8 a through 8 f).
a. Maintenance of Way and Structures.
b. Rehabilitation.
c. Maintenance of Equipment.
d. Transportation.
e. Taxes.
f. Miscellaneous.
9. Total Avoidable Cost Estimate (line 7 plus line 8).

RETURN ON VALUE ESTIMATE

10. Valuation of Property.
11. Rate of Return.
12. Total Return on Value (line 10 times line 11).
13. Management Fee.

ESTIMATED SUBSIDY PAYMENT

14. Estimated Subsidy Payment (line 6 minus lines 9, 12 and 13).

APPENDIX II—INFORMATION TO BE FURNISHED

The following information is required to be furnished under § 1125.8(f). All data shall be developed in accordance with the methodology set forth in § 1125.4–7. The actual data for the year to date and a projection to the end of the subsidy year shall be shown for each item, except that off-branch costs shall be estimated during the subsidy year by applying the ratio developed in the interim formula to the actual revenues shown in item 1.

REVENUES FOR

1. Freight Originated And/Or Terminated on Branch.
2. Bridge Traffic.
3. Demurrage.
4. Passenger.
5. All Other.
6. Total Revenues (line 1 through 5).

AVOIDABLE COSTS FOR

7. Off-Branch Costs (Ratio times line 1).
8. On-Branch costs (lines 8a through 8f).
a. Maintenance of Way and Structures.
b. Rehabilitation.
c. Maintenance of Equipment.
d. Transportation.
e. Taxes.
f. Miscellaneous.
9. Total Avoidable Cost (line 7 plus line 8).

RETURN ON VALUE

10. Valuation of Property.
11. Rate of Return.
12. Total Return on Value (line 10 times line 11).
13. Management Fee.

SUBSIDY PAYMENT

14. Subsidy Payment (line 6 minus lines 9, 12 and 13).

[FR Doc.76-11551 Filed 4-20-76;8:45 am]

now available
15-year Cumulation

LAWS AFFECTED TABLES FOR 1956–1970

VOLUMES 70–84
UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1970. Includes index of popular name acts affected in Volumes 70–84.

Price: $8.15 domestic postpaid;
$7.50 GPO Bookstore

Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
U.S. Government Printing Office
Washington, D.C. 20402

