AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41—No.84
4-29-76

PAGES
17871–18051

federal register

THURSDAY, APRIL 29, 1976

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (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
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

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

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

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federal register
Area Code 202 Phone 523–5240

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Title 3—The President

Executive Order 11914 April 28, 1976

Nondiscrimination With Respect to the Handicapped in Federally Assisted Programs

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 301 of title 3 of the United States Code, and as President of the United States, and in order to provide for consistent implementation within the Federal Government of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it is hereby ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended, hereinafter referred to as section 504, by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity. The Secretary shall establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory practices, within the meaning of section 504. The Secretary shall assist Federal departments and agencies to coordinate their programs and activities and shall consult with such departments and agencies, as necessary, so that consistent policies, practices, and procedures are adopted with respect to the enforcement of section 504.

SEC. 2. In order to implement the provisions of section 504, each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

SEC. 3. (a) Whenever the appropriate department or agency determines, upon all the information available to it, that any recipient of, or applicant for, Federal financial assistance is in noncompliance with the requirements adopted pursuant to this order, steps to secure voluntary compliance shall be carried out in accordance with standards and procedures established pursuant to this order.

(b) If voluntary compliance cannot be secured by informal means, compliance with section 504 may be effected by the suspension or termination of, or refusal to award or continue, Federal financial assistance or by other appropriate means authorized by law, in accordance with standards and procedures established pursuant to this order.

(c) No such suspension or termination of, or refusal to award or continue, Federal financial assistance shall become effective unless there has been an express finding, after opportunity for a hearing, of a failure by the recipient of, or applicant for, Federal financial assistance to comply with the requirements adopted pursuant to this order; however, such suspension or termination of, or refusal to award or continue, Federal financial assistance shall be limited in its effect to the particular program or activity or part thereof with respect to which there has been such a finding of noncompliance.

SEC. 4. Each Federal department and agency shall furnish the Secretary of Health, Education, and Welfare such reports and information as the Secretary requests and shall cooperate with the Secretary in the implementation of section 504.

SEC. 5. The Secretary of Health, Education, and Welfare may adopt rules and regulations and issue orders which he deems are necessary to carry out his responsibilities under this order. The Secretary shall ensure that such rules, regulations, and orders are not inconsistent with, or duplicative of, other Federal Government policies relating to the handicapped, including those policies adopted in accordance with sections 501, 502, and 503 of the Rehabilitation Act of 1973, as amended, or the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*).

Gerald R. Ford

THE WHITE HOUSE,
April 28, 1976.

[FR Doc.76-12721 Filed 4-28-76;11:07 am]

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 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

Rules Applicable to Rate Proceedings

On August 20, 1973, a document was published in the FEDERAL REGISTER amending the Rules of Practice governing proceedings under the Packers and Stockyards Act. The main substance of the amendments was to change the title "hearing examiner" to the title "administrative law judge" and to change the authority of the administrative law judges from that of issuing recommended decisions to that of issuing initial decisions. In that document, the changes made in the Rules Applicable to Rate Proceedings inadvertently failed to make clear how an initial decision of an administrative law judge becomes the decision of the Secretary of Agriculture. The purpose of the following changes is to correct that deficiency.

The Rules Applicable to Rate Proceedings are therefore amended by revising §§ 202.33, 202.35, and 202.36 to read as set forth below:

§ 202.33 The Judge's decision.

(a) Filing the transcript of evidence. The provisions of § 202.16(a) shall be applicable in rate proceedings.

(b) *Proposed findings of fact, conclusions, and order.* The provisions of § 202.16(b) shall be applicable in rate proceedings.

(c) *The judge's decision.* Within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, the judge, with the assistance of and after consultation with such employees of the Department as may be assigned for the purpose, shall prepare, upon the basis of the record, and shall file with the Hearing Clerk his decision, a copy of which shall be served upon each of the parties. Such decision shall become final without further proceedings 35 days after service thereof, unless there is an appeal to the Secretary by a party to the proceeding: *Provided, however,* That no decision shall be final for purposes of judicial review except a final order issued by the Secretary pursuant to an appeal by a party to the proceeding.

(d) The provisions of § 202.16(d) shall be applicable in rate proceedings.

§ 202.35 Appeals to the Secretary; transmittal of record.

The provisions of § 202.18 shall be applicable in rate proceedings.

§ 202.36 Preparation and issuance of order.

(a) *Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, on the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, appeals, statements of objections, and proposed findings, conclusions, and orders submitted by the parties not theretofore ruled upon. If an oral argument was held, the order shall be prepared by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement.

(b) *Issuance of order.* The provisions of section 202.20(b) shall be applicable in rate proceedings.

(§ 407, Pub. L. 67-51, 42 Stat. 169 (7 U.S.C. 228))

Effective date: This amendment becomes effective on April 26, 1976.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-12509 Filed 4-28-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Project Review by Clearinghouses and Coordination of Planning in Multijurisdictional Areas in Accordance With OMB Circular No. A-95

Pursuant to the authority vested in it by Section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Part 309 of 13 CFR Chapter III, by revising § 309.17.

The purpose of the above revision is to comply with the provisions of the Proposed Revision to OMB Circular No. A-95 which requires Federal agencies to publish in the FEDERAL REGISTER interim regulations implementing the requirements of the Circular. The revision to 13 CFR 309.17 sets forth those EDA programs covered by the project notification and review requirements of Part I of the Circular and those for which exemptions to such requirements are requested. The revision also sets forth procedures for coordination of planning in multijurisdictional areas as required by Part IV of the Circular.

Because the material contained herein is a matter relating to the EDA grant and loan program and because this regulation is a general statement of EDA policy and is also an interpretative rule based upon general government policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding 13 CFR 309.17 to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 by May 29, 1976. All suggestions will be considered in revising or amending these regulations.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular A-107 and the interpretative guidelines as issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, Part 309 is hereby amended.

1. By revising § 309.17 in its entirety to read as follows:

§ 309.17 Project review by clearinghouses and coordination of planning in multijurisdictional areas in accordance with OMB Circular No. A-95.

This section sets forth requirements for review of certain applications for EDA assistance by State or areawide clearinghouses under Part I of OMB Circular No. A-95 (the "Circular") and procedures for coordination of planning in multijurisdictional areas under Part IV of the Circular.

(a) Under Part I—Project notification and review system.

(1) Prospective applicants for EDA assistance authorized by the Act for the following programs (cited by their numbers in the Catalog of Federal Domestic Assistance) must submit project notification to appropriate State and areawide clearinghouses for review and comment. Such project notification shall be made when the applicant determines it will develop an application and shall be in accordance with paragraph 2 of Part I of the Circular. State and areawide clearinghouses will perform their review of the proposed project in accordance with procedures set forth in paragraph 4 of Part I of the Circular. Certain exemptions to this requirement are listed in paragraph (2) of this subsection:

11.300 Grants for public works and development facilities authorized under Title I of the Act (see paragraph (5) of this subsection for further information regarding Public Works Impact Program grants); loans for public works and development facilities authorized under Section 201 of the Act; and assistance authorized under Section 403 of the Act in accordance with the criteria of Sections 101 and 201 of the Act.

11.302 Grants for administrative expenses for planning and development organizations authorized under section 301(b) of the Act.

11.303 Technical Assistance authorized under Title III of the Act.

11.304 Grants for public works and development facilities authorized under Title I of the Act under criteria established pursuant to section 401(a)(6) of the Act with procedural variation as shown in paragraph (5) of this subsection.

11.305 Assistance authorized under section 302(a) of the Act.

11.306 Assistance authorized under section 302(b) of the Act.

11.307 Assistance to eligible recipients authorized under Title IX of the Act with procedural variation as shown in paragraph 6 of this subsection.

11.308 Grants for basic funding of Titles I and IV activities authorized under section 304 of the Act.

(2) Applications for the following types of assistance (cited by numbers in the Catalog of Federal Domestic Assistance or by U.S. Code citation) are exempt from the requirements of Part I of the Circular.

11.303 The following Technical Assistance authorized under Title III of the Act:

A. Grant amendments that do not involve substantive scope of work changes in projects.

B. Purchase orders costing $5,000 or less.

C. Projects in support of projects of national scope and impact or in support of demonstration projects having no identifiable local applicability and no applicable local impact.

D. Management assistance studies for individual business enterprises.

11.308 Grants for supplemental funding of Titles I and IV activities authorized under section 304 of the Act. However, basic grants are covered.

42 U.S.C. 3121 et seq. Assistance to federally recognized Indian tribes (see paragraph (7) of this subsection for further information).

(3) Amendments to pending or approved projects, which amendments represent a significant change to such projects, must be submitted to the appropriate State and areawide clearinghouses, as required by EDA.

(4) EDA may not accept applications, except for Public Works Impact Program projects and for assistance authorized under Title IX of the Act, during the period for review by clearinghouses unless clearinghouse reviews are attached; however, EDA encourages prospective applicants to submit to EDA information copies of project notifications to clearinghouses.

(5) Applicants for Public Works Impact Program projects may submit applications simultaneously to the appropriate clearinghouses and to EDA. Clearinghouse comments will be submitted directly to EDA and EDA will consider such comments until it has finished processing the application.

(6) Eligible recipients for assistance authorized under Title IX of the Act may submit applications simultaneously to the appropriate clearinghouses and to EDA. Copies of applications will also be submitted to the State in which the eligible recipient is located. Clearinghouse comments as well as those of the State will be submitted to EDA and EDA will consider such comments while it is processing the application. When the Title IX application is for assistance to develop an adjustment strategy, the clearinghouses will be invited to participate in the development of said strategy. When the Title IX application is for urgent assistance to implement a completed adjustment strategy, and no clearinghouse comments have been received by the time the processing has been completed, EDA will request the celaringhouses to provide comments and allow them at least ten days additional time prior to taking final action on the application.

(7) Applications from federally recognized Indian tribes are not subject to the requirements of Part I of the Circular. However, Indian tribes may voluntarily submit project notifications to appropriate clearinghouses. EDA will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt. Where a federally recognized Tribal Government has established a mechanism for coordinating the activities of tribal departments, divisions, enterprises, and entities, EDA will, upon request of such Tribal Government transmitted through the Office of Management and Budget, require that applications for assistance under programs covered by this subsection from such tribal departments, divisions, enterprises, and entities be subject to review by such tribal coordinating mechanism as though it were a State or areawide clearinghouse.

(8) EDA will inform potential applicants for assistance under programs covered by this subsection of the requirements of Part I of the Circular in program information materials, in response to inquiries respecting application procedures, in pre-application conferences, or by other means which will assure earliest contact between applicant and clearinghouses.

(9) EDA will assure that all applications for assistance under programs covered by this subsection have been submitted to appropriate clearinghouses for review prior to their submission to EDA. Applications that do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instructions to fulfill the requirements of Part I of the Circular. EDA will insure that all applications contain a State Application Identifier (SAI) number.

(10) EDA will notify appropriate clearinghouses within seven working days of any major action taken on applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals. The standard multipurpose form, SF 424, promulgated by Federal Management Circular 74-7, Supplement 3 (November, 1975) will be used for this purpose.

(11) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and EDA approves the application substantially as submitted, EDA will provide the clearinghouse, in writing, with an explanation therefor.

(12) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, EDA will consult with the agency assisting the referenced projects prior to acting if it plans to approve the application.

(13) EDA will assure, in the case of an application submitted by a special purpose unit of local government, where accompanying comments indicate that the unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar type project, that appropriate considerations and preferences as specified in section 402 of the Intergovernmental Cooperation Act of 1968, are accorded the unit of general local government. Where such preference cannot be so accorded, EDA shall supply, in writing, to the unit of general local government and the Office of Management and Budget its reasons therefor.

(b) Under Part IV—Coordination of planning in multijurisdictional areas.

(1) Prior to recommending authorization of the geographic boundaries of an economic development district EDA Regional Offices shall provide a period of thirty days for the Governor(s) of the State(s) in which such district will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State(s). Where the State(s) has established such planning and development districts, the boundaries of economic development districts proposed to be authorized by EDA will conform to the local districts unless there is clear justification for not doing so.

(2) Where the State(s) has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the district proposed for authorization, major units of general local government and the appropriate Federal Regional Council in such proposed district will also be consulted prior to recommending authorization of the district to assure consistency with districts established under interlocal agreement and under related Federal programs. Overall Economic Development Planning documents submitted by potential economic development districts must reflect these policies and be distributed to all interested parties.

(3) EDA Regional Offices will notify the Office of Management and Budget, through the appropriate Federal Regional Council, of any proposed district authorization or district boundary adjustment and when such authorization or boundary adjustment is made, including in such notification any justification as may be required under subparagraph (a) above.

(4) EDA Regional Office review of planning grant applications will include an assurance that applicants for planning assistance have established coordinative arrangements with areawide clearinghouse in the same geographic area. If an applicant is not itself an areawide clearinghouse this assurance will include submission by the applicant of a memorandum of agreement between the applicant and the appropriate areawide clearinghouse(s) covering the means by which their planning activities will be coordinated. The agreement will cover but need not be limited to the following matters:

(i) Identification by the applicant of planning activities being carried on through related programs within the multijurisdictional area;

(ii) Evidence of arrangements to assure coordination of planning for related activities within the multijurisdictional area (such arrangements might include joint funding, common boards, referrals or review procedures, information exchanges, joint use of personnel, etc.); and

(iii) Evidence that planning being assisted will proceed from base data, statistics, and projections that are common to or consistent with those being employed for planning related activities within the area.

(5) Where an applicant has been unable to effectuate such an agreement as described in (4) above a statement must be submitted indicating efforts made to secure the agreement and the issues that prevented it. In such cases, the Regional Office, in consultation with the appropriate Federal Regional Council and State clearinghouse(s) will undertake within a 30 day period after receipt of the application, resolution of the issues before approving the application, if it is otherwise in good order.

(c) EDA will assist potential applicants in carrying out their responsibilities under this section.

AUTHORITY: Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121; Department of Commerce Organization Order 10-4, 40 FR 56702.

Effective date: This amendment becomes effective on April 29, 1976.

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

Dated: April 23, 1976.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.76-12444 Filed 4-28-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-12-AD; Amdt. 39-2589]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 65, 70 and 80 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech 65, 70, and 80 series airplanes was published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9367). This proposal would require the installation of a warning placard cautioning against opening the emergency exit door during flight and the inclusion of airplane flight manual supplement or revision, as applicable, which provide guidance as to the proper operation of the emergency exit door.

Interested persons were afforded an opportunity to participate in the making of the amendment. No adverse comments were received.

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

BEECH. Applies to Models 65, A65, and A65-8200 (Serial Numbers L-1, L-2, L-3, LF-7, LF-8, and LC-1 through LC-335), Model 70 (Serial Numbers LB-1 through LB-35), and Models 65-80, 65-A80, 65-A80-8800 and 65-B80 (Serial Numbers LD-1 through LD-495) airplanes.

Compliance: Required as indicated, unless already accomplished.

To provide instruction on the operation of the emergency exit door, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) On all airplanes, below the existing emergency exit operating instructions placard, install P/N 50-535033-7 decal or an equivalent pressure sensitive decal which reads:

"DO NOT OPEN IN FLIGHT"

(B) On all airplanes, except Model 65-B80, add Airplane Flight Manual Supplement P/N 131330 dated March 28, 1975, or later date, to the existing FAA-approved flight manual.

(C) On Model 65-B80 airplanes, examine the FAA-approved flight manual to verify that it is P/N 50-590211-1A3, revised May 30, 1975, and if not, install same in the airplane.

This amendment becomes effective April 30, 1976.

Issued in Kansas City, Missouri, on April 16, 1976.

(Sec. 313(a), 601 and 603 Fed. Aviat. Act 1958 (49 U.S.C. 1354(a), 1421 and 1423), Section 6(c) Dept. of Trans. Act (49 U.S.C. 1655(c)).)

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

[FR Doc.76-12034 Filed 4-28-76;8:45 am]

[Airworthiness Docket No. 76-WE-5-AD; Amdt. 39-2590]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

Amendment 39-2166 (40 FR 16189), AD 75-08-14, as amended by Amendment 39-2201, (40 FR 20816), requires inspections and replacements, as necessary, of the C-1, C-2, and C-3 cargo doors upper hooks on Lockheed-California Company L-1011-385 series airplanes. After issuing AD 75-08-14, as amended, stress corrosion failures of upper and lower hooks and related upper and lower components have occurred on the cargo doors, necessitating additional inspections and modification. Failure of the cargo door attachment mechanism could result in a sudden in-flight decompression. Since this condition is likely to exist or develop in other airplanes of the same type design, an additional AD is being issued to require initial and repetitive visual inspections of the upper and lower hooks and related components of the C-1 and C-2 cargo doors; one-time visual inspection of the upper and lower hooks and related components of the C-3 cargo door and requested reporting of findings; one-time rigging check of the C-1, C-2, and C-3 cargo doors; permanent corrective modifications of hook and related components on the C-1, C-2, and C-3 cargo doors on Lockheed-California Company L-1011-385 series airplanes. Portions of AD 75-08-14 may be accomplished concurrently with this AD; other actions required by AD 75-08-14 may be discontinued after compliance with this AD. AD 75-08-14 will be amended to cross reference this AD.

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

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

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385 series airplanes certificated in all categories.

Compliance required as indicated.

To prevent possible sudden in-flight depressurization due to stress corrosion failures of the hooks or related components of the C-1, C-2, or C-3 cargo doors, accomplish the following:

(a) Within the next 850 hours' time in service after the effective date of this AD, unless the modifications of paragraph (d) have been accomplished, and thereafter at intervals not to exceed 850 hours' time in service until the modifications of paragraph (d) are accomplished.

(1) Visually inspect the upper and lower hooks, clevis fittings, eccentric pins, bushings, pressure stops and the door surround structure on the C-1 and C-2 cargo doors for failures or cracks in accordance with Lockheed Service Bulletin 093-52-086, Revision 1, dated March 11, 1976 or later FFA-approved

revision or an FAA approved equivalent; and

(2) Replace cracked or failed parts with serviceable parts of the same or later eligible part numbers or accomplish the modifications of paragraph (d) before further pressurized flight.

(b) Within the next 850 hours' time in service after the effective date of this AD, unless already accomplished, or unless modifications of paragraph (d) have been accomplished,

(1) Visually inspect the upper and lower hooks, clevis fittings, bushings, eccentric pins, pressure stops and door surround structure on the C–3 cargo door for failures and cracks in accordance with Lockheed Service Bulletin 093–52–086, Revision 1, dated March 11, 1976 or later FA-approved revision or an FAA approved equivalent;

(2) Replace cracked or failed parts with serviceable parts of the same or later eligible part number, or accomplish the modifications of paragraph (d) before further pressurized flight.

(c) Within the next 1700 hours' time in service after the effective date of this AD, concurrent with the first or second inspection required by paragraph (a), unless already accomplished or unless modifications of paragraph (d) have been accomplished, perform a one-time rigging check of the C–1, C–2, and C–3 cargo doors and rerig as necessary to conform with rigging data in accordance with Lockheed Service Bulletin 093–52–086, Revision 1, dated March 11, 1976 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within the next 5600 hours' time in service after the effective date of this AD, unless already accomplished, replace the existing upper and lower hooks and upper eccentric pins on the C–1 and C–2 cargo doors and the lower hooks and upper pivot eccentric pins of the C–3 cargo door; change corresponding attaching hardware; repeat the visual inspections required by paragraphs (a) and (b) on the hardware retained, the pressure stops and the doors surround structure; repair as necessary; and complete a rig check of all hooks and pressure stops in accordance with Lockheed Service Bulletin 093–52–087, dated March 11, 1976 or later FAA-approved revision or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) The modifications of paragraph (d) may be accomplished on the C–1 and C–2 cargo door in lieu of accomplishing the modifications required by paragraph (c) of AD 75–08–14, as amended, provided, the modifications of paragraph (d) are accomplished within the same hours' time in service after April 16, 1975 set forth by AD 75–08–14, as amended.

(f) The repetitive inspections required by paragraph (a) of this AD and by paragraph (b) of AD 75–08–14, as amended, may be discontinued after the modifications of paragraph (d) have been accomplished.

(g) For airplanes with C–1 and C–2 cargo doors having upper hooks P/N's 1517205–107/–109 installed, compliance with paragraph (b) of AD 75–08–14, amended, may be accomplished concurrently with the initial and repetitive inspections required by paragraph (a) of this AD, provided that the upper hooks are inspected by a dye penetrant method in accordance with Lockheed Alert Service Bulletin 093–52–A079, Revision 1, dated March 26, 1975 or later FAA-approved revision or an FAA approved equivalent.

(h) Airplanes may be flown unpressurized to a base where the inspections or modifications required by this AD may be accomplished, in accordance with FARs 21.197 and 21.199.

(i) It is requested that a written report on the results of the C–3 cargo door inspections required by paragraph (b), either positive or negative, be forwarded to:

Chief, Aircraft Engineering Division, FAA, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009 (Reporting approved by the Office of Management and Budget under OMB No. 04–RO174).

This amendment becomes effective May 6, 1976.

(Secs. 313(a), 601, and 603 Fed. Avia. Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of Sec. 6(c) Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on April 16, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76–12035 Filed 4–28–76;8:45 am]

[Docket No. 75–CE–12–AD; Amdt. 39–2591]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes

Amendment 39–2482, AD 75–27–09, is an Airworthiness Directive (AD) published in the FEDERAL REGISTER on January 6, 1976 (41 FR 1046–1053), applicable to Beech 18 series airplanes. AD 75–27–09 requires periodic replacement of the wing center section and outboard wing panel or the installation of approved wing strap modifications. The AD also requires periodic inspections of the front wing spar assembly for cracks and corrosion.

After issuing Amendment 39–2482 the agency concluded that certain editorial changes were needed to clarify the AD so that it could be more easily interpreted by field personnel. In addition, certain changes to AD 75–27–09 are required to allow authorized field personnel employed by authorized certificated repair stations after July 1, 1976, to determine acceptable quality of radiographs and to interpret radiographs required by this AD. This change is necessary to make the AD compatible with the program developed by the FAA to authorize facilities and their personnel to make the required inspections.

Since this amendment provides for editorial changes and clarification and is in part relieving in nature, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2482, AD 75–27–09, is being amended as follows:

1. Paragraph (A), prior to the place where Columns 1 and 2 are listed, is amended so that it now reads as follows: "On or before the accumulation of the total hours' time in service specified in Column (2) for wing components of the various aircraft weights specified in Column (1), or within 200 hours' time in service after January 5, 1976, which ever occurs later, comply with Paragraph B; or, alternately, comply with Paragraph C by May 5, 1976."

2. In the paragraph entitled "Note" following Paragraph (C), after the phrase "presently approved modifications are" and before the phrase "SA832SW with SA895SW" insert the phrase "SA643CE with SA1206CE,".

3. In Paragraph (E) following the phrase "approved strap modifications" delete the words "within 1500 hours' time in service since installation of straps or".

4. In Paragraph (E) 1. change the first sentence thereof so that it now reads as follows: "1. If installed, remove and inspect steel wing straps for corrosion, fretting, cracks and other defects in accordance with STC Holder's or other FAA-approved inspection procedures."

5. In Paragraph (E) 5. change the first sentence so that it now reads as follows: "Prior to X-raying, temporarily or permanently install steel 'hose' clamps squarely around the lower center section spar cap so that two clamps will appear in each lower center section radiograph."

6. In Paragraph (E) 9. in the second sentence thereof, following the phrase "Conduct the inspection" delete the words "before magetism is induced and again".

7. In Paragraph (E) 11. make the following changes:

(a) In the first sentence of the first paragraph following the phrase "For each site where X-ray inspection is specified" delete the phrase "by Paragraph B";

(b) In the fifth sentence of the first paragraph following the phrase "Also, secure a steel penetrameter of 0.005" add the phrase "(or 0.010 where Beech Kit is installed)";

(c) In the first sentence of the second paragraph following the phrase "Use same procedures at Wing Stations upper 90, 102 and 111 except that the" delete the phrase "lead screen is" and insert in its place the phrase "penetrameters and lead screens are"; and

(d) Add a new paragraph following the second paragraph which reads: "Keep all radiographs in an accessible location apart from the aircraft."

8. Delete the second sentence of Paragraph (F) and add the following new sentence: "In addition, at each 100 hours' time in service after January 5, 1976, perform repetitive visual and either magnetic particle or dye penetrant inspections required by Paragraph E on right and left wing stations 73, 81 and 90."

9. In the first sentence of Paragraph (G) add the word "strapped" between the words "those" and "aircraft".

10. In Paragraph (H) delete the third sentence thereof which commences with the words "After July 1, 1976," and ends with the words "under this AD" and insert in its place the following sentence: "After July 1, 1976, all X-ray inspections required by this AD shall only be accomplished by (a) a certificated repair station holding a 'limited airframe—Beech 18 series aircraft—wing and center section spar X-ray inspections' rating, and (b) either a certificated mechanic or re-

pairman, in the employ of a repair station meeting the requirements of (a), who is currently authorized to accomplish said X-ray inspections pursuant to a letter of authorization issued by the FAA GADO or FSDO having certificate responsibility over that repair station."

11. Add a new Paragraph (I) which reads as follows:

(I) The authorized person performing any X-ray inspection required by this AD shall, in addition to the information required by FARs 43.9 and 91.173, list the date of the letter of authorization under which he performed said inspection in the aircraft maintenance records specified in FAR 91.173(a)(2).

12. Reidentify present Paragraphs (I), (J), (K) and (L) as Paragraphs (J), (K), (L) and (M) respectively.

13. In the first sentence of Paragraph (J) (formerly Paragraph (I)) after the phrase "If either a crack or" and before the word "corrosion" add the words "previously untreated"; and in the first sentence of Paragraph (J)2. (formerly Paragraph (I)2.), following the words "and describe therein any" and before the word "corrosion" insert the words "previously untreated".

14. Delete third from last paragraph of AD which begins with the words "This AD supersedes" and ends with the words "and AD 75-09-18 (Amdt. 39-2241)" and insert the following paragraph: "This AD supersedes AD 64-21-01 (Amdt. 810 of Part 507 and any other Amendments applicable to said AD), AD 64-21-03 (Amdt. 812 of Part 507 and any other Amendments applicable to said AD), AD 72-20-05 (Amdt. 39-2222 and any other Amendments applicable to said AD), AD 73-18-04 (Amdt. 39-1708 and any other Amendments applicable to said AD) and AD 75-09-18 (Amdt. 39-2241 and any other Amendments applicable to said AD)."

15. In Figure 3 delete the plus sign (+) following the phrase "side tube cluster" shown at Wing Station 77 and also delete the second note which now reads as follows: "+ See AD 64-21-1, part(b) and AD 64-21-3, part(b)."

The amendments specified herein to Amendment 39-2482 become effective May 3, 1976.

(Sec. 313(a), 601 and 603 Fed. Aviat. Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Sec. 6(c) Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 19, 1976.

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

[FR Doc.76-12036 Filed 4-28-76;8:45 am]

[Docket No. 76-CE-4-AD; Amdt. 39-2592]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) applicable to Beech Model 200 series airplanes, was published in the FEDERAL REGISTER on February 17, 1976 (41 FR 7116 and 7117). The proposed AD would require that the wings be inspected and if the edge distance for the bolt hole in the wing center section lower forward spar cap is found to be insufficient the airplane must be operated or modified in accordance with FAA-approved limitations or instructions provided by the manufacturer.

Interested persons were afforded an opportunity to participate in the making of the amendment. No adverse comments were received.

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

BEECH. Applies to Models 200 and Military A100-1 (Serial Numbers BB-3 through BB-19, BB-21 through BB-38, BB-40, BB-41, BB-43 through BB-75 and BB-78) and Models C-12A (Serial Numbers BC-1, BC-2, BC-3, BD-2 and BD-3) airplanes.

Compliance: Required as indicated, unless already accomplished.

To detect inadequate edge distance on the bolt holes in the wing center section lower forward spar cap for attachment of the outer wing panel lower forward spar cap, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Inspect for proper fit between the wings and center section at the lower forward spar attachment as follows:

1. Using a vernier caliper or a suitable depth gage, graduated in increments of .01-inch, measure the protrusion of the wing spar cap below the center section spar cap at the lower forward wing attachment on both the LH and RH sides.

2. If the protrusion does not exceed .10-inch, no further action is necessary.

3. If the protrusion exceeds .10-inch, remove the wing and measure the edge distance of the wing attachment hole in the center section lower spar in accordance with Figure 1. Provide this information to the manufacturer and thereafter operate or modify the airplane in accordance with FAA-approved limitations or instructions provided by the manufacturer.

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

NOTE: The manufacturer's address is Beech Aircraft Corporation, Commercial Service Operations, Wichita, Kansas 67201. Beechcraft Service Instruction No. 0775-062 or later approved revisions cover the subject matter of this AD.

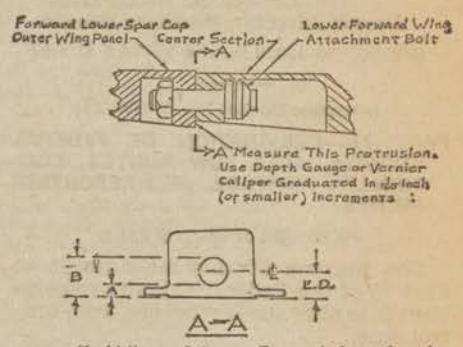
This amendment becomes effective May 3, 1976.

(Sec. 313(a), 601 and 603 Fed. Aviat. Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), Sec. 6(c) Dept. of Trans. Act (49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on April 19, 1976.

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

FIGURE 1



End View of Lower Forward Spar Cap in Center Section wing Center Section with Outer Wing Panel Removed

Measure Edge Distance, "E.D." = $\frac{A+B}{2}$

[FR Doc.76-12037 Filed 4-28-76;8:45 am]

[Docket No. 75-SO-58; Amdt. 39-2587]

PART 39—AIRWORTHINESS DIRECTIVES

Michael D. Adams and the Balloon Works, Hot Air Balloons

Amendment 39-2228 (40 FR 23990), Airworthiness Directive 75-12-08, applies to Rego 7553S series throttle or trigger valves installed on all models of The Balloon Loft and The Balloon Works hot air balloons certificated in all categories. After issuance of Amendment 39-2228, the agency was advised that The Balloon Loft was inadvertantly identified as one of the balloon manufacturers and the correct company name is Michael D. Adams.

Since Amendment 39-2228 did not apply to balloons manufactured by Michael D. Adams, Amendment 39-2228 is being revised to bring those existing balloons under the applicability of this amendment. The condition that existed at the time of adoption of Amendment 39-2228 (AD 75-12-08) still exists and the AD should be made applicable to both Michael D. Adams' and The Balloon Works' hot air balloons.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2228 (40 FR 23990), AD 75X12-08 is amended by recognizing the new company titles and making the applicability as follows:

The Balloon Loft and The Balloon Works will now be known as Michael D. Adams and The Balloon Works.

This amendment becomes effective April 30, 1976.

Issued in East point, Georgia, on April 16, 1976.

Sec. 313(a), 601, and 603 Fed. Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and

Sec. 6(c) Dept. of Trans. Act (49 U.S.C. 1655(c))

GEORGE R. LA CAILLE,
Deputy Director, Southern Region.

[FR Doc. 76-12038 Filed 4-28-76;8:45 am]

[Airspace Docket No. 76-SW-23]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Blytheville, Ark., control zone.

The United States Air Force has changed the name of the Blytheville Air Force Base VOR to Gosnell VOR. The Air Force has also changed the runway designation from 17/35 to 18/36. A revision of the TACAN RWY 18/36 instrument approach procedure requires that the control zone description be changed, in part, from the Blytheville TACAN 185° radial to the 188° radial. Use of the TACAN 188° radial will move the current control zone extension approximately one-fourth mile west. It is necessary to alter the control zone description because of the VOR name change and the use of a different TACAN radial. Since the VOR name change is editorial in nature and the change from the TACAN 185° to the 188° radial is so minute, there will be no adverse impact on aircraft flight. Prior public notice is, therefore, not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In Section 71.171 (41 FR 355), the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

Within a 5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), within 3 miles each side of the Gosnell VOR 357° radial (latitude 35°57'03" N., longitude 89°56'28" W.), extending from the 5-mile-radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 188° radial (latitude 35°57'23" N., longitude 89°56'26" W.), extending from the 5-mile-radius zone to 5.5 miles south of the TACAN.

(Sec. 307(a), Fed. Aviat. Act 1958 (49 U.S.C. 1348); Sec. 6(c), Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 15, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-12027 Filed 4-28-76;8:45 am]

[Airspace Docket No. 76-SW-24]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Blytheville, Ark., transition area.

With the designation of the State of Missouri transition area, all controlled airspace surrounding Blytheville, Ark., has a base of 1,200 feet AGL or lower. It is, therefore, practical to delete reference to controlled airspace above 700 feet AGL in designating the Blytheville, Ark., transition area. Additionally, the Blytheville Air Force Base VOR, Blytheville, Ark., has been changed to Gosnell VOR and the Air Force Base runway designations have been changed from 17/35 to 18/36. Since this will not impose additional restrictions on aircraft flight, prior public notice is not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In Section 71.181 (41 FR 440), the Blytheville, Ark., transition area is amended to read:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (latitude 35°57'52" N., longitude 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended center line of Blytheville AFB runways 18 and 36 extending from the 8.5-mile-radius area to 12 miles north and south of the airport.

(Sec. 307(a), Fed. Avia. Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 15, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-12028 Filed 4-28-76;8:45 am]

[Airspace Docket No. 75-SO-161]

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

Designation of a VOR Airway, Revocation of a VOR Airway Segment

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 9368) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR airway and revoke a VOR airway segment in the Montgomery, Ala., Eufaula and Columbus, Ga., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

1. In V56 "Tuskegee, Ala.; Columbus, Ga., including a south alternate from Montgomery to Columbus via INT Montgomery 090° and Columbus 219° radials;" is deleted and "Tuskegee, Ala.; Columbus, Ga.;" is substituted therefor.

2. In V323 "From Eufaula, Ala., via Macon, Ga.;" is deleted and "From Montgomery, Ala., via Eufaula, Ala.; Macon, Ga.;" is substituted therefor.

(Sec. 307(a) of the Fed. Aviat. Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 20, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-12029 Filed 4-28-76;8:45 am]

[Airspace Docket No. 75-EA-53]

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

Alteration of VOR Federal Airways

On February 26, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 8390) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke and realign some existing airways in the Norfolk, Va., area to improve traffic handling capabilities in the terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. One commenter concurred with the proposal. The other did not object to the proposal, however they recommend that FAA consider establishment of an airway segment between Cofield and Franklin VORTACs.

The FAA intends to issue a notice of proposed rule making that would consider the recommended airway segment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

1. In V-1 "Norfolk, Va., including an east alternate segment from Kinston to Norfolk via the intersection of Kinston 050° and Norfolk 209° radials;" is deleted and "including an east alternate segment from Kinston to Cofield via the intersection of Kinston 050° and Cofield 185° radials; Norfolk, Va.;" is substituted therefor.

2. In V-33 "From Cofield, N.C.; INT Cofield 007° and Harcum, Va., 187° radials; Harcum;" is deleted and "From Harcum, Va.," is substituted therefor.

3. In V-66 "Franklin, Va.; INT Franklin 037° and Norfolk, Va., 226° radials; Norfolk," is deleted and "Franklin, Va.," is substituted therefor.

4. In V–139 "Cofield, N.C.; INT Cofield 077° and Norfolk, Va., 209° radials;" is deleted and "INT of New Bern 005° and Norfolk, Va., 209° radials;" is substituted therefor.

5. In V–194 "Norfolk, Va., INT Norfolk 001° and Harcum, Va., 075° radials; INT Harcum 075° and Snow Hill, 211° radials." is deleted and "INT Cofield 077° and Norfolk, Va., 209° radials." is substituted therefor.

6. In V–260 "Hopewell, Va.; INT Hopewell 128° and Norflok, Va., 296° radials; Norfolk," is deleted and "Hopewell, Va." is substituted therefor.

7. In V–266 "Franklin, Va.; INT Franklin 087° and Norfolk, Va., 226° radials; Norfolk," is deleted and "Franklin, Va." is substituted therefor.

(Sec. 307(a) Fed. Aviat. Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Dept. of Trans. Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 20, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–12030 Filed 4–28–76;8:45 am]

[Airspace Docket No. 76–CE–4]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Chesterfield (Spirit of St. Louis), Missouri, control zone and transition area.

The Maryland Heights, Missouri VORTAC will be decommissioned on May 20, 1976. The Chesterfield (Spirit of St. Louis), Missouri, control zone and transition area descriptions reference the Maryland Heights VORTAC. Accordingly, it is necessary to change those descriptions by deleting reference to the aforesaid VORTAC and instead refer to coordinates. This change does not increase the size of the control zone or transition area.

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

In consideration of the foregoing, Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations are amended effective 0901 GMT, May 20, 1976, as hereinafter set forth:

In Section 71.171 (41 FR 355), the following control zone is amended to read:

CHESTERFIELD (SPIRIT OF ST. LOUIS), MISSOURI

Within a five mile radius of Spirit of St. Louis Airport (latitude 38°39'35'' N, longitude 90°38'45'' W); within 3½ miles each side of the 310° bearing extending from latitude 38°40'28'' N, longtiude 90°37'40'' W, to 9½ miles northwest of the coordinates; and within 5 miles each side of the coordinates 241° bearing, extending from the coordinates to 14½ miles SW of the coordinates. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In Section 71.181 (41 FR 440), the following transition area is amended to read:

CHESTERFIELD, MISSOURI

That airspace extending upward from 700 feet above the surface within a 9 mile radius of Spirit of St. Louis Airport (latitude 38°39'-35'' N. longitude 90°38'45'' W), within 3½ miles each side of the 310° bearing from the latitude 38°40'28'' N, longitude 90°37'40'' W and extending from the 9 mile radius area to 12 miles northwest of the coordinates; within 5 miles each side of the coordinates 241° bearing, extending from the 9 mile radius area to 16½ miles southwest of the coordinates; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9 mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Missouri, 700 foot floor transition area.

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

Issued in Kansas City, Missouri on April 14, 1976.

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

[FR Doc.76–12274 Filed 4–28–76;8:45 am]

[Docket No. 15618; Amdt. No. 95–265]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110 of the Fed. Aviat. Act of 1958 (49 U.S.C. §§ 1348 and 1510); and sec. 6(c) of the Dept. of Trans. Act (49 U.S.C. § 1655(c))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective May 20, 1976.

Issued in Washington, D.C., on April 19, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

§95.1001 DIRECT ROUTES—U.S.

is amended to delete:

FROM	TO	MEA
Greater Southwest, Tex. VOR	Orr INT, Okla.	*5000
*2400—MOCA		
Orr INT, Okla.	Oklahoma City, Okla. VOR	*7000
*2500—MOCA		

§95.1001 DIRECT ROUTES—U.S.

is added to read:

FROM	TO	MEA
Farmington, Mo. VOR	Flippin, Ark. VOR	*5500
*2900—MOCA		
Maples, Mo. VOR	Walnut Ridge, Ark. VOR	*3500
*2800—MOCA		
Monroe, La. VOR	Baton Rouge, La. VOR	*6000
*1500—MOCA		
Tulsa, Okla. VOR	Drake, Ark. VOR	*4000
*3000—MOCA		MAA—12500

§95.6001 VOR FEDERAL AIRWAY 1

is amended to read in part:

FROM	TO	MEA
Myrtle Beach, S.C. VOR	Ash INT, N.C.	2000
Ash INT, N.C.	Rapen INT, N.C.	*3000
*1500—MOCA		
Rapen INT, N.C.	Wallace INT, N.C.	*4000
*1500—MOCA		
Cofield, N.C. VOR	Deep Creek INT, Va.	2000

§95.6002 VOR FEDERAL AIRWAY 2

is amended to read in part:

FROM	TO	MEA
Utica, N.Y. VOR	*Marlaville INT, N.Y.	3500
*3500—MRA		
Marlaville INT, N.Y.	Albany, N.Y. VOR	3000

§95.6003 VOR FEDERAL AIRWAY 3

is amended to read in part:

FROM	TO	MEA
Nutbush INT, Va.	Flat Rock INT, Va.	2100
Pease, N.H. VOR	*Parsons INT, Me.	**3500
**2200—MOCA		
*5000—MCA Parsons INT, NE-bound		
Enfield INT, Me.	Lee INT, Me.	*2700
*2100—MOCA		

§95.6007 VOR FEDERAL AIRWAY 7

is amended to read in part:

FROM	TO	MEA
Andy INT, Ala.	Birmingham, Ala. VOR	3800
Via E alter.	Via E alter.	
Birmingham, Ala. VOR	Carbon INT, Ala.	*2600
Via W alter.	Via W alter.	
*2100—MOCA		

§95.6012 VOR FEDERAL AIRWAY 12

is amended to read in part:

FROM	TO	MEA
Columbia, Mo. VOR	Shaw INT, Mo.	2600
Shaw INT, Mo.	Readsville INT, Mo.	2600
Readsville INT, Mo.	Hermann INT, Mo.	2600
Hermann INT, Mo.	Foristell, Mo. VOR	2700
Foristell, Mo. VOR	Troy, Ill. VOR	2300
Blue Springs, Mo. VOR	*Odessa INT, Mo.	2600
*4000—MRA		

§95.6013 VOR FEDERAL AIRWAY 13

is amended to read in part:

FROM	TO	MEA
Des Moines, Iowa VOR	Grimes INT, Iowa	
Via W alter.	Via W alter.	2700
		MAA—9000
Grimes INT, Iowa	Ft. Dodge, Iowa VOR	
Via W alter.	Via W alter.	3000
		MAA—9000
Ida INT, La.	*Dubow INT, Ark.	2000
—*4000—MRA		
Dubow INT, Ark.	Texarkana, Ark. VOR	2000
Texarkana, Ark. VOR	*Pandy INT, Ark.	**2300
*5000—MRA		
**1900—MOCA		
Pandy INT, Ark.	Dequeen INT, Ark.	*2300
*1900—MOCA		
Hope INT, Minn.	Farmington, Minn. VOR	3000

§95.6014 VOR FEDERAL AIRWAY 14

is amended to delete:

FROM	TO	MEA
Vichy, Mo. VOR	*Washington INT, Mo.	**2700
*4500—MRA		
**2200—MOCA		
Washington INT, Mo.	Howell INT, Mo.	*2600
*2000—MOCA		
Howell INT, Mo.	St. Louis, Mo. VOR	*2200
Vichy, Mo. VOR	INT 032 M rad Vichy VOR & 244 M rad St. Louis VOR	
Via N alter.	Via N alter.	*2900
*2200—MOCA		
INT 032 M rad Vichy VOR & 244 M rad St. Louis VOR	St. Louis, Mo. VOR	
Via N alter.	Via N alter.	*2500
*2000—MOCA		

§95.6014 VOR FEDERAL AIRWAY 14

is amended by adding:

FROM	TO	MEA
Vichy, Mo. VOR	Foristell, Mo. VOR	2700
Foristell, Mo. VOR	St. Louis, Mo. VOR	2500

§95.6044 VOR FEDERAL AIRWAY 44
is amended to delete:

FROM	TO	MEA
Maryland Hts, Mo. VOR	Mounds INT, Ill.	2600
Mounds INT, Ill.	Sugar INT, Ill.	2200
Sugar INT, Ill.	Centralia, Ill. VOR	*2300
*1900–MOCA		

§95.6044 VOR FEDERAL AIRWAY 44
is amended by adding:

FROM	TO	MEA
Foristell, Mo. VOR	Mounds INT, Ill.	2600
Mounds INT, Ill.	Sugar INT, Ill.	2200
Sugar INT, Ill.	Centralia, Ill. VOR	2300

§95.6045 VOR FEDERAL AIRWAY 45
is amended to read in part:

FROM	TO	MEA
Waterville, Ohio VOR	Japer INT, Mich.	*2500
*2100–MOCA		

§95.6067 VOR FEDERAL AIRWAY 67
is amended to read in part:

FROM	TO	MEA
Waterloo, Iowa VOR	Bremer INT, Iowa	2600
Bremer INT, Iowa	Floyd INT, Iowa	2800
Floyd INT, Iowa	Rochester, Iowa VOR	3000

§95.6072 VOR FEDERAL AIRWAY 72
is amended to read in part:

FROM	TO	MEA
Bunker INT, Mo.	Farmington, Mo. VOR	*3500
*2900		

§95.6098 VOR FEDERAL AIRWAY 98
is amended to read in part:

FROM	TO	MEA
Hudson INT, Mich.	Japer INT, Mich.	*3000
*2100–MOCA		
Japer INT, Mich.	Carleton, Mich. VOR	*2500
*2100–MOCA		

§95.6111 VOR FEDERAL AIRWAY 111
is amended to read in part:

FROM	TO	MEA
*Cathedral INT, Calif.	Karen INT, Calif.	6000
*6000–MCA Cathedral INT N-bound		
*Karen INT, Calif.	Patty INT, Calif.	5000
*6000–MCA Karen INT, S-bound		

§95.6116 VOR FEDERAL AIRWAY 116
is amended to read in part:

FROM	TO	MEA
Lake Henry, Pa. VOR	*Sloat INT, N.J.	4000
*7500–MCA Sloat INT, SE-bound		
Sloat INT, N.J.	Deer Park, N.Y. VOR	*7500
*2800–MOCA		

§95.6138 VOR FEDERAL AIRWAY 138
is amended to read in part:

FROM	TO	MEA
Mason City, Iowa VOR	Floyd INT, Iowa	3000
Floyd INT, Iowa	Waukon, Iowa VOR	*3000
*2400–MOCA		

§95.6158 VOR FEDERAL AIRWAY 158
is amended to delete:

FROM	TO	MEA
Waterloo, Iowa VOR	Dubuque, Iowa VOR	*2800
*2500–MOCA		

§95.6158 VOR FEDERAL AIRWAY 158
is amended by adding:

FROM	TO	MEA
Mason City, Iowa VOR	Dubuque, Iowa VOR	*5000
*2500–MOCA		

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Eufala, Ala. VOR	Tuskegee, Ala. VOR	2000
Tuskegee, Ala. VOR	Seman INT, Ala.	*2600
*2000–MOCA		
Seman INT, Ala.	Andy INT, Ala.	3000
Andy INT, Ala.	Birmingham, Ala. VOR	3800
Birmingham, Ala. VOR	Hamilton, Ala. VOR	*2600
*2100–MOCA		

§95.6177 VOR FEDERAL AIRWAY 177
is amended to read in part:

FROM	TO	MEA
Duluth, Minn. VOR	Brimson INT, Minn.	3000
		MAA–9000
Brimson INT, Minn.	Ely, Minn. VOR	*3700
*3000–MOCA		MAA–9000

§95.6178 VOR FEDERAL AIRWAY 178
is amended to read in part:

FROM	TO	MEA
Vichy, Mo. VOR	Farmington, Mo. VOR	3000

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
Bunker INT, Mo.	Farmington, Mo. VOR	*3500
*2900		

§95.6194 VOR FEDERAL AIRWAY 194
is amended to read in part:

FROM	TO	MEA
Cofield, N.C. VOR	Deep Creek INT, Va.	2000

§95.6198 VOR FEDERAL AIRWAY 198
is amended to read in part:

FROM	TO	MEA
Rom INT, Miss.	Brookley, Ala. VOR	2000

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part:

FROM	TO	MEA
Revloc, Pa. VOR	Blink INT, Pa.	4500
Blink INT, Pa.	Harrisburg, Pa. VOR	7000

§95.6240 VOR FEDERAL AIRWAY 240
is amended to read in part:

FROM	TO	MEA
Rom INT, Miss.	Mobile, Ala. VOR	2000

§95.6270 VOR FEDERAL AIRWAY 270

is amended to read in part:

FROM	TO	MEA
Delancey, N.Y. VOR *5100–MOCA	Turnwood INT, N.Y.	*6000

§95.6289 VOR FEDERAL AIRWAY 289

is amended to read in part:

FROM	TO	MEA
Texarkana, Ark. VOR *5000–MRA	*Provo INT, Ark.	2500
Provo INT, Ark. *3500–MCA Umpire INT, N-bound	*Umpire INT, Ark.	2500

§95.6300 VOR FEDERAL AIRWAY 300

is added to read:

FROM	TO	MEA
Sault Ste Marie, Mich. VOR *2100–MOCA	U.S. Canadian Border	*6000

§95.6314 VOR FEDERAL AIRWAY 314

Millinocket, Me. VOR *2300–MOCA	Princeton, Me. VOR	*2900

§95.6403 HAWAII VOR FEDERAL AIRWAY 3

is amended to read in part:

FROM	TO	MEA
Kamuela, Hawaii VOR	Makua INT, Hawaii	6500
*Makua INT, Hawaii *6000–MCA Makua INT, SW-bound **1200–MOCA	Paris INT, Hawaii	**4000

§95.6453 VOR FEDERAL AIRWAY 453

is amended to read in part:

FROM	TO	MEA
King Salmon, Alas. VOR *2400–MCA Dillingham VOR, W-bound **1400–MOCA	*Dillingham, Alas. VOR	**2000
Dillingham, Alas. VOR	Eek DME Fix, Alas.	6500
Eek DME Fix, Alas. *2500–MOCA	Bethel, Alas. VOR	*4000
King Salmon, Alas. VOR Via S alter.	Dillingham, Alas. VOR Via S alter.	2000

§95.6454 VOR FEDERAL AIRWAY 454

is amended to read in part:

FROM	TO	MEA
Maddi INT, Ga. *2100–MOCA	Vesta INT, Ga.	*4000

§95.7035 JET ROUTE NO. 35 is amended to delete:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	Jackson, Miss. VORTAC	18000	45000
Jackson, Miss. VORTAC	Memphis, Tenn. VORTAC	18000	45000

§95.7035 JET ROUTE NO. 35 is amended by adding:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	McComb, Miss. VORTAC	18000	45000
McComb, Miss. VORTAC	Greenwood, Miss. VORTAC	18000	45000
Greenwood, Miss. VORTAC	Memphis, Tenn. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended to delete:

FROM	TO	MEA	MAA
Miami, Fla. VORTAC	Lakeland, Fla. VOR	18000	45000
Lakeland, Fla. VORTAC	Taylor, Fla. VORTAC	18000	45000
Taylor, Fla. VORTAC	Alma, Ga. VORTAC	18000	45000
Alma, Ga. VORTAC	Atlanta, Ga. VORTAC	18000	45000

§95.7089 JET ROUTE NO. 89 is amended by adding:

FROM	TO	MEA	MAA
Biscayne, Fla. VORTAC	Lakeland, Fla. VORTAC	18000	45000
Lakeland, Fla. VORTAC	Cross City, Fla. VORTAC	18000	45000
Cross City, Fla. VORTAC	Atlanta, Ga. VORTAC	24000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-10 is added to read:			
Lawson INT, Mo. Via N alter.	Kirksville, Mo. VOR Via N alter.	53	Kirksville
V-13 is added to read:			
Plattsburg INT, Mo.	Lamoni, Iowa VOR	42	Lamoni
V-111 is added to read:			
Salinas, Calif. VOR	Patty INT, Calif.	26	Salinas
V-116 is added to read:			
Excelsior INT, Mo.	Macon, Mo. VOR	50	Macon

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
J-5 is amended to delete:			
Bakersfield, Calif. VOR	Reno, Nev. VOR	130	Bakersfield
J-15 is amended to delete:			
Grand Junction, Colo. VORTAC	Salt Lake City, Utah VORTAC	130	Grand Junction
J-16 is amended to delete:			
Pendleton, Ore. VORTAC	Whitehall, Mont. VOR	185	Pendleton

[FR Doc.76-11922 Filed 4-28-76;8:45 am]

[Docket No. 15623; Amdt. No. 1018]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective June 17, 1976.*

Jackson, Wy—Jackson Hole Arpt., VOR–A, Amdt. 2

* * * *effective June 10, 1976*

Jacksonville, FL—Jacksonville Int'l Arpt., VOR Rwy 31, Amdt. 3
Atlanta, GA—DeKalb-Peachtree Arpt., VOR Rwy 27, Amdt. 12
Faribault, MN—Faribault Muni. Arpt., VOR Rwy 2, Original
Faribault, MN—Faribault Muni. Arpt., VOR–1, Amdt. 1, cancelled
Grain Valley, MO—East Kansas City Arpt., VOR–A, Amdt. 2
Jefferson City, MO—Jefferson City Memorial Arpt., VOR Rwy 12, Amdt. 10
Jefferson City, MO—Jefferson City Memorial Arpt., VOR Rwy 30, Amdt. 8
Sidney, OH—Sidney Arpt., VOR Rwy 22, Amdt. 8
Pottsville, PA—Schuylkill County (Joe Zerbey) Arpt., VOR Rwy 4, Amdt. 2
Pago Pago, Tutuila Is., American Samoa—Pago Pago Int'l Arpt., VORTAC–A, Amdt. 2

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective June 10, 1976.*

Jacksonville, FL—Jacksonville Int'l Arpt., LOC Rwy 25, Amdt. 1
Jacksonville, FL—Jacksonville Int'l Arpt., LOC(BC) Rwy 13, Amdt. 1
Atlanta, GA—DeKalb-Peachtree Arpt., LOC Rwy 20L, Amdt. 1
Jefferson City, MO—Jefferson City Memorial Arpt., SDF Rwy 30, Amdt. 4

* * * *effective May 6, 1976*

Ontario, CA—Ontario Int'l Arpt., LOC Rwy 7, Original
Ontario, CA—Ontario Int'l Arpt., LOC(BC) Rwy 7, Amdt. 3, cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 10, 1976.*

Jacksonville, FL—Jacksonville Int'l Arpt., NDB Rwy 7, Amdt. 6
Fitchburg, MA—Fitchburg Muni. Arpt., NDB–A, Amdt. 5
Stow, MA—Minute Man Airfield, NDB–A, Amdt. 4
Jefferson City, MO—Jefferson City Memorial Arpt., NDB Rwy 30, Amdt. 3
Pottsville, PA—Schuylkill County (Joe Zerbey) Arpt., NDB Rwy 29, Amdt. 1
Holdrege, NE—Brewster Field, NDB Rwy 18, Amdt. 1

* * * *effective May 6, 1976*

Miami, FL—New Tamiami Arpt., NDB Rwy 9R, Original
Miami, FL—New Tamiami Arpt., NDB Rwy 9R, Amdt. 6, cancelled
Starkville, MS—George M. Bryan Arpt., NDB–C, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 17, 1976.*

Missoula, MT—Johnson-Bell Field, ILS 1 Rwy 11, Amdt. 5
Missoula, MT—Johnson-Bell Field, ILS 2 Rwy 11, Original
Jackson, WY—Jackson Hole Arpt., ILS Rwy 18, Amdt. 2

* * * *effective June 10, 1976*

Jacksonville, FL—Jacksonville Int'l Arpt., ILS Rwy 7, Amdt. 7
Jacksonville, FL—Jacksonville Int'l Arpt., ILS Rwy 13, Amdt. 2
Williamsport, PA—Williamsport-Lycoming County Arpt., ILS Rwy 27, Amdt. 10
Pago Pago, Tutuila Is., American Samoa—Pago Pago International Arpt., ILS/DME Rwy 5, Amdt. 5

* * * *effective April 14, 1976*

Islip, NY—Islip MacArthur Arpt., ILS Rwy 6, Amdt. 15
New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 22R, Amdt. 2
New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 31L, Amdt. 2
Niagara Falls, NY—Niagara Falls Int'l Arpt., ILS Rwy 28R, Amdt. 17
Rochester, NY—Rochester-Monroe County Arpt., ILS Rwy 28, Amdt. 22
Syracuse, NY—Syracuse Hancock Int'l Arpt., ILS Rwy 28, Amdt. 24

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective June 10, 1976.*

Jacksonville, FL—Jacksonville Int'l Arpt., RADAR–1, Amdt. 3
Harrisburg, PA—Capital City Arpt., RADAR–1, Amdt. 7

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective June 10, 1976.*

Jacksonville, FL—Jacksonville Int'l Arpt., RNAV Rwy 13, Amdt. 4
Sanford, FL—Sanford Arpt., RNAV Rwy 9, Amdt. 5
Atlanta, GA—DeKalb-Peachtree Arpt., RNAV Rwy 20L, Amdt. 5
Olathe, KS—Executive Arpt.-Johnson County Arpt., RNAV Rwy 17, Original
McComb, MS—McComb-Pike County Arpt., RNAV Rwy 33, Amdt. 4
Columbus, OH—Ohio State University Arpt., RNAV Rwy 27L, Amdt. 2
Sidney, OH—Sidney Arpt., RNAV Rwy 28, Original.

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

Issued in Washington, D.C., on April 22, 1976.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76–12411 Filed 4–28–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8908]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Encyclopaedia Britannica, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.115 Jobs and employment service; § 13.125 Limited offers or supply; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; § 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–93 Special or test offers; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.235 Source or origin; 13.235–40 In general; § 13.240 Special or limited offers; § 13.260 Terms and conditions. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting oneself and

goods—Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1625 Free goods or services; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts; § 13.1745 Source or origin; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions.—Prices: § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1882 Prices; § 13.1889 Risk of loss § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1955 Free goods; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts; § 13.2070 Special or trial offers, savings and discounts; § 13.2080 Terms and conditions. Subpart—Securing agents or representatives by misrepresentation: § 13.2120 Dealer or seller assistance; § 13.2125 Demand or business opportunities; § 13.2130 Earnings; § 13.2148 Scientific or other relevant facts; § 13.2165 Terms and conditions. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Encyclopaedia Britannica, Inc., a Corporation, and Britannica Home Library Services, Inc., a Corporation

Order requiring a Chicago, Ill., publisher, seller and distributor of textbooks, encyclopaedia, reference and educational materials, training courses and other literary works and services, among other things to cease giving the false impression that managerial positions were offered when the true job offer was to recruit door-to-door sales personnel; making deceptive pricing and free claims; misrepresenting a salespersons' training or income opportunities; misrepresenting their research service furnished to subscribers, or the terms and conditions of plans involving the shipment of publications at intervals on an approval basis; and making false claims that suit will be instituted to recover delinquent debts.

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

It is ordered that respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division, or other device, in connection with the recruitment of persons to sell, rent, lease, or distribute any textbook, encyclopedia, reference, or educational material, or any other publication, merchandise, or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I. A. Representing, directly or by implication, either orally or in writing, that:

(1) Respondent is offering positions in such fields as advertising analysis, public relations, marketing, interviewing, or in any field other than door-to-door sales, if door-to-door sales is included, to any extent, in the position for which persons are being recruited; or misrepresenting, in any manner, the job for which any person is being solicited;

(2) Persons will be trained as management trainees, or for other positions of responsibility concerned with administrative office functions; or misrepresenting, in any manner, the amount and type of training that will be given;

(3) Any person who may be employed will contact prospects in their homes or places of business for the purposes of conducting surveys, advertising promotions, or other nonselling functions; or misrepresenting, in any manner, the purposes for which any person is engaged.

B. Misrepresenting, in any manner, the amount of income to be earned by any person or that may be earned by any person, the method of payment, or any condition or limitation imposed upon the compensation of any person.

C. Failing to disclose, clearly and conspicuously, in all advertising offering employment in any way involving door-to-door sales:

(1) That respondent is recruiting persons for the sole purpose of soliciting or selling;

(2) That such soliciting or selling will be on an "in home" basis;

(3) That the products or services being sold are encyclopedias or services to be used in connection therewith, or in the event that encyclopedias or such related services are not being sold, the products and services being sold; and

(4) The basis for compensating persons so engaged.

D. Failing to clearly and conspicuously advise, both orally and in writing, any prospective sales employee at the initial face-to-face interview, and prior to executing any employment agreement with any such person, the following information:

(1) All those disclosures set forth in Paragraph I C above;

(2) A complete and detailed description of each condition and limitation imposed upon the receipt of any compensation;

(3) Where applicable, notification that such person will not be paid for time spent during orientation and training;

(4) A complete and detailed description of any expense or expenses any such person may incur in performing the required duties; and

(5) The percentage of persons holding similar positions engaged by the office offering the position during the twelve (12) months immediately preceding the offer, who have actually received an equivalent, or greater, income than that promised under the terms of any such agreement.

E. Failing to furnish to persons at the initial face-to-face interview, and prior to executing any employment agreement with any such person, a copy of Paragraphs I, II, III and VI of this Order, together with a cover letter as set forth in Appendix A attached hereto.

II. It is further ordered that respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the publishing, advertising, offering for sale, sale, rental, lease or distribution of any textbook, encyclopedia, reference or educational material, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement or promotional material which solicits participation in any contest, drawing or sweepstakes, or solicits any response to any offer of merchandise, service or information unless any such solicitation clearly and conspicuously discloses the following statement in 10-point bold-face type:

Notice to consumer. Persons who reply as requested may be contacted by a salesperson for the purpose of selling [insert name of applicable product].

B. Providing any return card, coupon or other device which is used to respond to any advertisement or promotional material covered by Paragraph II A above, unless the following statement clearly and conspicuously appears in 10-point bold-face type in immediate proximity to the space provided for a signature or other identification of the responding party:

Notice to consumer. Persons who return this [insert name of applicable device] may be contacted by a salesperson for the purpose of selling [insert name of applicable product].

C. Failing to disclose clearly and conspicuously, at the beginning of any telephone call to any prospective customer, the fact that the individual making the call is either soliciting the sale, rental or lease of publications, merchandise or services for respondent, or is arranging for a sales solicitation to be made, and that if the prospective customer so agrees, respondent will send a salesperson to visit said prospect for the purpose of soliciting the sale, rental or lease of said publications, merchandise or services.

D. Visiting the home or place of business of any person for the purpose of soliciting the sale, rental or lease of any

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

publications, merchandise or service, unless at the time admission is sought into the home or place of business of such person, a card 3 inches by 5 inches in dimension, with all words in 10-point boldface type, with the following information, and none other, in the indicated order, is presented to such person:

(1) The name of the corporation;

(2) The name of the salesperson;

(3) The term "Encyclopedia Sales Representative" [or other applicable product];

(4) The terminology: "The purpose of this representative's call is to solicit the sale of encyclopedias" [or other applicable product].

E. Failing to give the card, required by Paragraph II D, above, to each such person, to direct each such person to read the information contained on such card, and to provide each such person with an adequate opportunity to read the card before engaging any such person in any sales solicitation.

F. Representing, directly or by implication, either orally or in writing that:

(1) Any person calling on any prospective purchaser is:

(a) Engaged in or connected with "advertising," "marketing," "promotion," "education" or anything other than the door-to-door sale of encyclopedias or other reference materials,

(b) Conducting, taking or participating in a survey, advertising research analysis or any other information gathering activity, or

(c) Calling on said prospect for the primary purpose of delivering or disseminating prizes, gifts, gift certificates, chances in any contest, drawing, sweepstakes, educational fund or any other merchandise or item of chance;

(2) Only a few minutes will be required to complete the visit inside the prospective purchaser's home or place of business; or misrepresenting, in any manner, the period of time required to complete the sales or other presentation;

(3) An offer is limited, must be accepted immediately or within any specified time period, or is a special offer, unless such is a fact; or misrepresenting, in any manner, the duration of any sales offer;

(4) Any publication, merchandise or service is being offered free, without cost, or is given as a bonus or otherwise to any prospective purchaser of respondent's publications, merchandise or services agreeing to perform any advertising, promotional or selling function, including but not limited to, any of the following acts or similar acts:

(a) Permit their names to be listed as local owners of the product or service;

(b) Provide the name of any person who may be interested in purchasing any publication, merchandise or service;

(c) Write a letter evaluating the merits of any publication or other item which may be used in advertising; or

(5) Any publication, merchandise or service is being offered free, without cost, or is given as a bonus or otherwise to any purchaser of respondent's publications, merchandise or services, pursuant to any agreement to purchase, rent or lease any other publication, merchandise, service or combination thereof from respondent, unless:

(a) The contract price for the purchase, rental or lease of any such other publication, merchandise, service, or combination thereof, has remained at the said price or above for at least six (6) months within the last twelve (12) months immediately preceding the time at which the representation is made;

(b) No publication, merchandise or service has been offered free, without cost or given as a bonus or otherwise with the sale, rental or lease of any such other publication, merchandise, service or combination thereof, to any person for a period of at least six (6) months within the last twelve (12) months immediately preceding the time at which the representation is made; and

(c) No publication, merchandise, service, or combination thereof, of equivalent or greater value, has been eliminated by respondent from any such other publication, merchandise, service, or combination thereof, with which the free, without cost or bonus publication, merchandise or service is being offered;

Provided however, any such prices as are restricted by Paragraph II F(5)(a) of this Order may be altered at any time by respondent to reflect *bona fide* changes in market conditions.

G. Representing, directly or by implication, either orally or in writing that:

(1) Any person using any research service will receive answers to questions regarding all subjects other than legal or medical advice; or misrepresenting, in any manner, the research service that will be furnished to subscribers;

(2) Any answer provided by any research service is the product of detailed, exhaustive or original research generated by the specific question asked by any person utilizing said service, unless such is the fact; or misrepresenting, in any manner, the extent of research, preparation or quality of any answer furnished by any such research service.

H. Failing to disclose, clearly and conspicuously, in writing on all promotional materials describing any research service, and orally during the course of any sales or other presentation relating to said service, each condition or limitation placed upon the use of such research service.

I. Representing to any person, directly or by implication, either orally or in writing that:

(1) Any price is the retail, regular, usual or words of similar import or effect, price for any publication in any binding, merchandise or service, unless respondent is making a substantial number of its unit sales for each such publication in each such binding, merchandise or service, individually, at or above the represented price;

(2) Any price is the retail, regular, usual, or words of similar import or effect, price for any set of publications in any binding and in combination with any other publication, merchandise or service, unless respondent is making a substantial number of its unit sales for each such set of publications in each said binding individually or in combination at or above the represented price;

(3) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from respondent's former prices for its products unless:

(a) Such savings claims are based upon retail, regular, or usual prices, or combination prices, arrived at in accordance with Paragraph II I(1) and (2) above;

(b) Respondent clearly and conspicuously specifies the publication, merchandise or service, or combination thereof, and the price from which the savings are to be realized; and

(c) The publication, merchandise or service is of comparable quality in all material respects with the publication, merchandise or service sold at the higher price;

(4) Savings may be realized by the purchase, rental or lease of any publication, merchandise or service, or any combination thereof, from comparable products of competitors unless:

(a) Respondent clearly and conspicuously specifies the publication, merchandise or service, or combination thereof, from which the savings are to be realized;

(b) The price utilized for comparison purposes is the price at which a substantial number of persons have purchased the item referred to in (a) immediately above;

(c) The item referred to in (a) above is of comparable quality in all material respects to the product being sold.

J. Misrepresenting in any manner, either orally or in writing:

(1) The amount of savings to be realized by any person who enters into an agreement with respondent for any publication, merchandise or service; or

(2) That any publication, merchandise or service is being offered free or without charge, or is given to any such person.

K. Failing to comply with any and all provisions of the Commission's Trade Regulation Rule, *Cooling-Off Period For Door-To-Door Sales* (16 C.F.R. 429.1), which are in effect on the date this Order becomes effective, and with any modifications or changes in the aforesaid Rule which may be made from time to time. A copy of the said Rule shall be made a part of this Order for purposes of complying with other provisions hereof.

L. Initiating contact with any purchaser through any means for any reason from the time said purchaser enters into any agreement containing a Notice of Cancellation, as required by Paragraph II K of this Order, until said buyer's cancellation period has expired.

M. Failing to maintain a copy of each Notice of Cancellation received pursuant to Paragraph II K of this Order, and making said documents available for in-

spection and copying by the Commission's staff upon reasonable notice. Any such Notice shall be maintained for a period of three (3) years from date of receipt by respondent.

N. Failing to keep adequate records, which shall be maintained for a period of three (3) years and made available to the Commission's staff for inspection and copying upon reasonable notice, from which the validity of any savings claims, retail price claims, comparative value claims, or other representations of the type described in Paragraphs II F (5), II I and II J of this Order can be determined.

O. Failing to attach to any contract for the sale, rental or lease of any publication, merchandise, service or combination thereof a written statement that clearly and conspicuously discloses, and only discloses, the following information in the indicated order and manner:

(1) In 12-point bold-face type size the terminology:

PRICE LIST

The following prices are the *only* authorized prices at which the listed items may be offered.

Any price not listed below is unauthorized and false!

(2) A list of all publications in each binding, merchandise, service or combination thereof currently offered for sale, rental or lease, and in immediate conjunction thereto each price at which respondent is authorized to offer said product or service pursuant to Paragraph II I of this Order.

(3) In 12-point bold-face type the terminology:

FREE ITEMS

Only the following products and services may be offered free. You are paying for any items received and not listed below!

(4) A list of all publications, merchandise or services currently offered as free, without cost, or as a bonus pursuant to Paragraph II F(5) of this Order.

P. Failing to orally instruct any person at the time said person signs any contract for sale, rental or lease of any publication, merchandise, service or combination thereof, pursuant to an oral sales presentation, that a "Price List" is attached to said person's contract.

III. It is further ordered that respondent Encyclopaedia Britannica, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly through any corporation, subsidiary, division, or other device, in connection with the recruitment, training, or orientation of any person to sell, rent, lease or distribute any textbook, encyclopedia, reference or educational material, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making, distributing or using any training tapes, sales manuals, or any other document, method or device which contains any representation or instruction inconsistent with any provision of Paragraph I or Paragraph II of this Order.

IV. It is further ordered that respondents Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc. and their successors and assigns, officers, agents, representatives and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any textbook, encyclopedia, reference or educational material, or any other publication, merchandise or service through the use of any program, plan, method, or device, that provides or purports to provide for the sale or distribution of any of said items to any person at intervals on an approval basis, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, either orally or in writing that:

(1) Any person has the option to receive each publication, merchandise or service, separately and individually, and to accept or reject same, unless such person is allowed in all instances to receive and to purchase or reject each such publication, merchandise or service separately and individually;

(2) Any person will not receive any further publication, merchandise or service after he notifies respondents of his cancellation of any such program, plan or method of sale or distribution, unless such is the fact; or misrepresenting, in any manner, any consequence resulting from any person's cancellation of his participation in any such program, plan, or method of sale or distribution; and

(3) Any person incurs no risk or obligation by joining or participating in any such program, plan, or method of sale or distribution; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on any person.

B. Disseminating, or causing the dissemination of, any advertisement which fails to disclose in a clear and conspicuous manner:

(1) A description of the conditions and terms of any such program, plan, or method of sale or distribution, and the duties, risks and obligations of any subscriber thereto; and

(2) A description of each publication, merchandise or service to be offered for sale, the billing charge to be made therefor, the anticipated total number of publications, merchandise or services included in any such program, plan or method of sale or distribution, the number of publications, merchandise or services that will be included in each shipment of such items, and the number of and the intervals between each such shipment.

C. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document used for responding to any such program, plan, or method of sale or distribution, the following information:

(1) The anticipated total number of publications, merchandise or services included in any such program, plan, or method of sale or distribution;

(2) The number of publications, merchandise or services that will be included in each shipment of such items; and

(3) The number of and the intervals between each such shipment.

D. Failing to disclose, clearly and conspicuously, in immediate conjunction with any publication, merchandise, service or notice thereof sent to any subscriber, the anticipated date on which respondents will initiate processing of the next shipment of any such item.

E. Failing to provide to any person in conjunction with each notice of any shipment of any publication, merchandise or service, a clear and conspicuous means by which said person may exercise his option or right to cancel said shipment, if such is his right.

V. It is further ordered that respondents Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc. and their successors and assigns, officers, agents, representatives, and employees, directly or indirectly, through any corporation, subsidiary, division or other device, in connection with the collection or attempted collection of any debt allegedly owing to respondents for the purchase or other receipt of any textbook, encyclopedia, reference or educational material, or any other publication, merchandise or service, in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, either orally or in writing that:

A. Any letter, notice or other communication which has been prepared, originated or composed by respondents has been prepared, originated or composed by any other person, firm or corporation; and

B. Suit will be instituted to recover any delinquent debt, or that any delinquent debt will be transferred to any attorney with instructions to institute suit, or that any other legal step to collect any outstanding debt will be taken, unless a definite date is set forth for such action and such are the facts; or misrepresenting, in any manner, respondents' relationship with, or instructions to, any attorney, or the course of action that will be taken by any attorney.

VI. It is further ordered that respondents, Encyclopaedia Britannica, Inc. and Britannica Home Library Services, Inc., do the following:

A. Deliver, by registered mail, a copy of this Order to each of their salesmen, agents, solicitors, independent contractors, or to any person engaged in the promotion, sale or distribution of any of the publications, merchandise or services included in this Order, and to any person engaged by respondents to perform such duties in the future at the time such person is so engaged;

B. Obtain from each person described in Paragraph VI(A) a signed statement setting forth his intention to conform his business practices to the requirements of this Order; retain said statement during the period of three (3) years thereafter; and make said statement available to the Commission's

staff for inspection and copying upon reasonable notice;

C. Advise each such present and future salesman, agent, solicitor, independent contractor or any person engaged in the promotion, sale or distribution of any of the publications, merchandise or services included in this Order that respondents will terminate the engagement or services of any such person, unless such person agrees to and does furnish to respondents a statement required by Paragraph VI(B), above; and

D. If any such person will not agree to file a statement with respondents as required by Paragraph VI(B) above and be bound by the provisions of this Order, the respondents shall immediately terminate the services of such person.

VII. It is further ordered that the respondents shall forthwith distribute a copy of this Order to each of their operating divisions.

VIII. It is further ordered that respondents shall notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising out of this Order.

IX. It is further ordered that respondents shall, within sixty (60) days after the effective date of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

The Final Order was issued by the Commission March 9, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12472 Filed 4-28-76;8:45 am]

[Docket No. C-2805]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bird & Son, Inc.; Correction

In FR Doc. 76-10693 appearing on page 15688 of the issue for Wednesday, April 14, 1976, the following correction is made:

On page 15689, left column, the first four lines of paragraph I of the Order have been changed to read as follows:

It is ordered, That Bird & Son, Inc. (hereafter "Bird"), within a period not exceeding 18 months from March 31.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12400 Filed 4-28-76;8:45 am]

[Docket No. C-2813]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Mutual Home Equipment Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-37 Formal regulatory and/or statutory requirements. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to provide foreign language translations: §13.1052 Failing to provide foreign language translations. Subpart—Misrepresenting oneself and goods—Goods: §13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760-50 Sales contract.—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1855 Identity; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-50 Sales contract; 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

In the Matter of Mutual Home Equipment Company, Inc., a corporation, and Samuel H. Alessi and Irving Gaeman, individually and as officers of said corporations.

Consent order requiring a Philadelphia, Pa., door-to-door seller of household goods and other consumer goods and products, among other things to cease misrepresenting retail installment sales contracts as rental agreements; accepting obligations from consumers which unfairly authorize it to enter buyers' homes without legal process and retake encumbered property without the buyer's permission, with the buyer waiving any action for trespass or damage and provide that the buyer forfeit all previously made payments in the event of default in payment of the obligation; failing to disclose to customers their right to a three day cooling-off period during which they may cancel their contract with a full refund of monies paid; and in connection with the extension of consumer credit, failing to make such disclosures as required by Regulation Z of the Truth in Lending Act.

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

ORDER

It is ordered That respondents Mutual Home Equipment Company, Inc., a corporation, its successors and assigns, and its officers, and Samuel H. Alessi and Irving Gaeman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device in connection with, offering for sale, sale and distribution of household goods, cookware, dishes, blankets or any other consumer goods or products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing directly or by implication, orally or in writing, that retail installment sales contracts are rental agreements.

2. Taking or receiving from a customer an obligation in which the customer waives any right of action against respondents, or their agents for trespass, damage, or any other torts.

3. Taking or receiving from a customer an obligation which fails to provide that, if the creditor retakes encumbered or secured property, the fair market retail value of property so taken and previous payments made by the customer, will be credited toward the balance due under the obligation.

4. Taking or receiving from a customer an obligation in which the customer waives any right of action against respondents or holder of the obligation or any other person acting on respondents' behalf, for any illegal act committed in the collection of payments under an obligation or in the repossession of goods.

5. Contracting for any sale, whether in the form of trade acceptance, conditional sales contract, retail installment contract, promisory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

6. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

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

7. Failing to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[enter date of transaction]

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to ---

[name of seller]

at ---

[address of seller's place of business]

not later than midnight of ---

(Date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

8. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

9. Including in any door-to-door contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

10. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

11. Misrepresenting in any manner the buyer's right to cancel.

12. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

13. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

14. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

15. Engaging in any act or practice which constitutes an unfair or deceptive act or practice pursuant to the Commission's Trade Regulation Rule Concerning a Cooling-Off Period for Door-to-Door Sales, effective June 7, 1974, 16 CFR 429 (a copy of which is attached hereto as Appendix A), and any amendments thereto.

Provided, however, that nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law, Trade Regulation Rule or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from the above Paragraphs (5) to (15) of this order with respect to contracts executed in the state in which such different obligations are required.

It is further ordered, That respondents Mutual Home Equipment Company, Inc., a corporation, its successors and assigns, and its officers, and Samuel H. Alessi and Irving Gaeman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make the consumer credit cost disclosures required by Section 226.8 of Regulation Z before the transaction is consummated, as required by Section 226.8(a) of Regulation Z.

2. Failing to use the term "cash price", as defined in Section 226.2(i) of Regulation Z, to describe the purchase price of the goods, as required by Section 226.8 (c) (1) of Regulation Z.

3. Failing to use the term "cash downpayment" to describe the downpayment in money made in conection with the credit sale, as required by Section 226.8 (c) (2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the "cash downpayment" and "trade-in", as required by Section 226.8(c) (2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by Section 226.8(c) (3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit of which the customer will have the actual use, as required by Section 226.8(c) (7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the cost of credit determined in accordance with Section 226.4 of Regulation Z, as required by Section 226.8(c) (8) (i) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by Section 226.8(c) (8) (ii) of Regulation Z.

9. Failing to disclose the finance charge as an annual percentage rate, computed in accordance with Section 226.5 of Regulation Z, using the term "annual percentage rate", as required by Section 226.8(b) (2) of Regulation Z.

10. Failing to disclose the number, amount, due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments using the term, "total of payments", as required by Section 226.8(b) (3) of Regulation Z.

11. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by Section 226.8(b) (4) of Regulation Z.

12. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment in full of the obligation, to state the amount or method of computing any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to an obligation or refunded to the customer, or to disclose that no rebate of unearned finance charges will be made upon prepayment in full, as required by Section 226.8(b) (7) of Regulation Z.

13. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Sections 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in door-to-door offering for sale, sale of any product or service or consummation of any extension of consumer credit, and that

respondents secure a signed statement acknowledging receipt of said order from all such personnel.

It is further ordered That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That respondents notify the Commision at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

The Decision and Order was issued by the Commission March 25, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-12401 Filed 4-28-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Reporting Requirements as to Employees' Compensation and Indebtedness and Exemptions for Loans to or Guarantees for Employees

The Securities and Exchange Commission announced today adoption of amendments to Rule 48(b) (17 CFR 250.48(b)) and Form U5S (17 CFR 259.5s), both under the Public Utility Holding Company Act of 1935 ("Act"). Rule 48(b) provides exemptions with respect to specified loans to employees or guarantees of their obligations, and Form U5S is the annual report filed by registered holding companies.

Rule 48(b) is amended to limit generally the amount of exempted loans or guarantees to not more than $10,000 for the account of any one employee. The amended rule permits this limit to be exceeded with respect to a residence occupied by the employee or that employee's family. Form U5S is amended to relieve the reporting companies from stating the amount of compensation paid to employees, other than officers, who in the year are paid $15,000 or more but less than $40,000, and to substitute a summary of loans and guarantees to or for the account of employees for the itemized list now required. These limitations do not preclude application for authorization, by order, of appropriate transactions not included in the exemption. Reference is made to Holding Company Act Release No. 19362, January 30, 1976 [41 FR 6776] for a full explanation of the purposes of the amendments. The proposed amendments were published for comment in that release. The comment period expired March 2, 1976.

In 17 CFR Chapter II Parts 250 and 259 are amended as follows:

Paragraph (b) of § 250.48 is revised as follows:

§ 250.48 Certain exemptions in connection with appliance sales and loans to officers or employees.

* * * * *

(b) *Exemption in connection with loans to employees.* Each registered holding company and any subsidiary company thereof is exempted from Section 9(a)(1) of the Act (49 Stat. 817; 15 U.S.C. 79i) with respect to the acquisition of any evidence of indebtedness from its employee in consideration of a loan made to such employee and each subsidiary of a registered holding company is exempted from Section 6(a) of the Act (49 Stat. 814; 15 U.S.C. 79f) with respect to the guarantee of indebtedness of its employee:

(1) If such transaction is made pursuant to a personnel policy of general application adopted in writing by the board of directors of such company, or by a committee or executive officer authorized by the board of directors so to act and communicated to the class of employees to which it applies; and does not cause the total amount of guarantees and loans of all companies in the holding-company system to or for the account of such employee, outstanding at the time of the transaction, to exceed the sum of $10,000.

(2) In computing the sum of $10,000, there may be excluded (i) bona fide advances to the employee for travel or other reimbursable expenses; (ii) current indebtedness of the employee for goods or services sold by the system companies in the ordinary course of their business; and (iii) any loan or guarantee secured by a first mortgage on a residence occupied by the employee or by that employee's family.

(3) Each company intending to avail itself of this exemption subsequent to the effective date of this rule shall file, as an exhibit or as an amendment to the system's annual report on Form U5S, a copy of such personnel policy. If any loan or guarantee, exceeding $10,000, with respect to a first mortgage on a residence, is made to an officer or director subsequent to the effective date of this rule, the company shall also file, in the same manner, a statement of the amount of the obligation, the interest rate, terms of payment (which may be described by stating the number and amount of periodic payments) and the identity of the director or officer.

As used in this rule, the term "employee" includes an officer and does not include a director who is not an officer or employee; and the term "guarantee" includes the assumption of an indebtedness or of an obligation to purchase such indebtedness or otherwise to provide a means of payment if the primary obligor fails to pay.

§ 259.55 [Amended]

Form U5S, for annual reports filed under Section 5(c) of the Act, is amended as follows:

1. The identifying statement for the third tabulation in Part II of Item 9(a) of Form U5S and paragraph 3 of the instructions thereto are each amended to substitute "$40,000" for "$15,000".

2. Item 9(b) of Form U5S is deleted and the following substituted therefor:

(b) *Indebtedness of or guarantee of obligations of directors, officers, or employees.* (1) State the total amount of indebtedness owed to each system company by officers, directors or employees at the end of the year, the number of persons so indebted, and the largest debt included in the total. There may be excluded any advances for travel or other reimbursable expenses, advances intended to be collected from the next payment of compensation, and current indebtedness for goods or services sold in the ordinary course of the business of system companies.

(2) If any system company has directly or indirectly assumed or guaranteed the indebtedness of any director, officer or employee, including the assumption of an obligation to purchase such indebtedness or otherwise to provide a means to pay it if the primary obligor fails to pay, state the total amount of such obligations of each system company outstanding at the end of the year, the number of persons, and the largest obligation included in the total. The amount shall be stated without deduction for possible payments by other persons or for the value of any property securing such obligations.

(3) If during the year the aggregate indebtedness of any officer, director, or employee to all system companies, including any obligation incurred for the benefit of such person of the character described in paragraph (2) above, exceeded $10,000 and any part thereof arose from transactions not exempted by Rule 48(b), identify (by release number and date) any order of the Commission authorizing the transaction, or include a brief statement of the transaction, the date thereof, the original amount and the balance at the end of the year, whether it involved an officer or a director, and state why Commission authorization was not required.

The amendments are hereby adopted, in the form proposed, pursuant to Sections 3(d), 9(c) and 20(a) of the Act. Forms U5S for the calendar year 1975 are due May 1, 1976. Companies are authorized, at their option, to use the amended form herein adopted for the annual report for the calendar year 1975. Use of the amended Form U5S is required for subsequent filings. The

amendments to Rule 48(b) are effective June 1, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 15, 1976.

[FR Doc.76-12443 Filed 4-28-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations 4, 10, and 16, further amended]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS; SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Investment of Payments by Representative Payee

On November 10, 1975, there was published in the Federal Register (40 FR 52408) a Notice of Proposed Rule Making with proposed amendments to the regulations providing that payments to a representative payee may be conserved in a share-insured credit union to the extent that the rules and regulations governing such organizations allow the establishment of fiduciary accounts along specified lines.

The present regulations permit investment of payments made to a representative payee on behaf of a beneficiary or recipient in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. The proposed amendments reflect the policy of the Social Security Administration that such payments may also be conserved in a share-insured credit union.

Interested parties were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. The comment period has expired and three comments were received from the public in response to the proposals. There follows a discussion of those comments and their disposition.

One commenter suggested that § 416.650 should contain a very clear definition of "foreseeable needs" and specify that a representative payee would have to provide specific information to any agency providing benefits as to resources and income which may affect eligibility and payment. The specific purpose of the current regulations is to include credit unions as preferred investments for conserved social security payments rather than to define "foreseeable needs." The definition will be given attention at a later time. The items which a representative payee is responsible for reporting to the Social Security Administration are addressed elsewhere in §§ 416.703 and 416.705. Our regulations do not cover accounting to other agencies.

A second commenter believed that § 404.1605 requires that all payments to the representative payee be placed in trust accounts. The regulation in fact requires that so-called surplus funds be conserved or invested on behalf of the beneficiary. The regulation states that the preferred investment is U.S. Savings Bonds, but that a representative payee may invest surplus funds in accordance with the rules applicable to investment of trust estates by trustees. Contrary to the comment, the examples provided in § 404.1605 do not require a formal trust arrangement; the account, however, must be in a form which shows the representative payee has a fiduciary, and not a personal, interest. The National Credit Union Administration regulation cited in the inquiry dealing with share insurance on credit union accounts held by a guardian, custodian, or conservator (12 C.F.R. 745.3(a)), appears more nearly applicable in this situation than the one dealing with share insurance on credit union trust accounts (12 C.F.R. 745.9–1), since the latter regulation requires an account to be opened in accordance with the applicable trust agreement. The representative payee regulations do not require a formal trust arrangement. The representative payee acts as a fiduciary irrespective of whether a formal trust arrangement exists.

The final comment indicated that a literal reading of the proposed Social Security Administration regulation would preclude deposit of surplus funds by a representative payee in an account in a credit union insured under a share insurance program authorized, but not required, by State law. This reading of the regulation is not the interpretation intended. The amendment to the regulation was proposed for the purpose of according to insured credit unions the same status as preferred investment institutions for conserved social security funds, as is now accorded banks and savings and loan associations. Thus, a State chartered credit union which is insured in accordance with an account insurance program authorized, but not required, by State law, would be viewed by the Social Security Administration as a proper depository for conserved social security funds.

The financial institutions referred to in the regulations may be insured under either a Federal or a State insurance program.

Accordingly, the proposed amendments have been prepared for final publication without change as set forth below.

(Sections 205, 1102, 1611(e), and 1631(a) of the Social Security Act; section 412(a) of the Federal Coal Mine Health and Safety Act of 1969; 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 86 Stat. 1467, 1475; 83 Stat. 793, 30 U.S.C. 922(a) 42 U.S.C. 405, 1302, 1382(e), and 1383(a).)

Effective date. These regulations shall be effective April 29, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.802–13.807, Disability Insurance, Retirement Insurance, Survivors Insurance, Coal Miners' Benefits, and Supplemental Security Income.)

Dated: March 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Parts 404, 410, and 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

1. Section 404.1605 is revised to read as follows:

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of beneficiary)
by ---,
(Name of representative payee)
representative payee; or

(Name of beneficiary)
by ---,
(Name of representative payee)
trustee.

U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

(Name of beneficiary)
---, a minor, for whom
(Social Security No.)

(Name of payee)
is representative payee for social security benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

---,
(Name of beneficiary)

_____, for whom
(Social Security No.)
_____
(Name of payee)
is representative payee for social security benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from title II payments in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969–)

2. Section 410.585 is revised to read as follows:

§ 410.585 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 410.587, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

_____
(Name of beneficiary)
by _____,
(Name of representative payee)
representative payee; or
_____
(Name of beneficiary)
by _____,
(Name of representative payee)
trustee.

U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

_____
(Name of beneficiary)
_____, a minor, for whom
(Social Security No.)
_____
(Name of payee)
is representative payee for black lung benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

_____,
(Name of beneficiary)
_____, for whom
(Social Security No.)
_____
(Name of payee)
is representative payee for black lung benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from the payment of benefits under Part B of title IV in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

3. Section 416.650 is revised to read as follows:

§ 416.650 Conservation and investment of payments.

A part of the monthly payment certified to a relative or other person on behalf of a recipient may be conserved for foreseeable needs, e.g., payment of annual taxes on a home, provided the current needs of the recipient are being reasonably met. (See Subpart L of this part for the effect of conserved payments on the amount of countable resources.) Conserved funds may be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, these funds may be deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, if the account is either federally insured or is otherwise insured in accordance with State law requirements. Funds deposited in an interest- or dividend-bearing account in a bank or trust company, in a savings and loan association, or in a credit union, must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred form of such account is as follows:

_____
(Name of recipient)
by _____,
(Name of representative payee)
representative payee; or
_____
(Name of recipient)
by _____,
(Name of representative payee)
trustee.

Any other conservation of the recipient's funds must clearly show that the payee holds the property in trust for the recipient.

[FR Doc.76-12477 Filed 4-28-76;8:45 am]

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Modification in Standards for Home Health Agency Supervision in Connecticut

On December 3, 1975, there was published in the Federal Register (40 FR 56458) a Notice of Proposed Rule Making and a proposed amendment to 20 CFR Part 405 (Regulations No. 5 of the Social Security Administration), which would modify the State of Connecticut's higher standards for supervision of home health agencies.

In order to participate in the health insurance for the aged and disabled program, a home health agency must meet the statutory requirements of section 1861(o) of the Social Security Act and, as further specified by section 1861(o)(6), certain conditions provided by regulation in the interest of health and safety. Under section 1863 of the Act the Secretary, in establishing conditions of participation for home health agency participation in the Medicare program, may, at the request of a State, require that home health agencies in such State have health and safety requirements which are higher than those required in other States.

The higher standard for home health agency supervision reflected in the present addenda to § 405.1221(d) relating to Connecticut (in the Appendix to Subpart L) was adopted at the request of the State of Connecticut. This requires, in order for a home health agency to meet the agency supervision condition of participation, that it designate a physician or a registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services. The minimum qualifications of the nursing supervisor are a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities. (The minimum requirement adopted by the Secretary in the absence of higher State standards is that the agency be under the direction of a physician or registered nurse (who preferably has at least 1 year of nursing experience and is a public health nurse).)

The State of Connecticut requested that the agency supervision condition of participation be amended to provide that the minimum qualifications for a nursing supervisor in a town having a population of more than 30,000 shall be a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision, which included supervisory responsibilities. It was re-

quested that the agency supervision condition of participation also provide that a nursing supervisor in town having a population of 30,000 or less shall be at least a registered nurse, licensed to practice in Connecticut, with 5 years of experience as a nurse in charge of a visiting nurse agency or other home health agency; or a registered nurse, licensed to practice in Connecticut, with a baccalaureate degree in nursing and 2 years of experience in a visiting nurse agency or other home health agency.

Since the standard requested by the State would still be higher than the minimum Medicare requirement, an amendment to the addenda (in the Appendix) incorporating that standard into the regulations, was published with the Notice of Proposed Rule Making on December 3, 1975.

Interested parties were given through January 2, 1976, to submit data, views, or arguments pertaining to the proposed modification. Three individuals representing the nursing profession in Connecticut expressed the belief that the modifications were unnecessary or incorrect because there was, in their view, no difference in supervision between towns having a population of 30,000 or less and towns having a population of more than 30,000. The comments were sent through the Boston Health Insurance Regional Office for forwarding to, and discussion with, the State Health Department. The Commissioner of the Connecticut State Department of Healh decided that the modification of standards as set forth in the Notice of Proposed Rule Making was necessary and correct.

Accordingly, the amendment as announced in the Notice of Proposed Rule Making is hereby adopted without change and set forth below.

(Secs. 1102, 1861(o), 1863, and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 320, as amended, 79 Stat. 325, and 79 Stat. 331 (42 U.S.C. 1302, 1395x(o), 1395z, and 1395hh).)

Effective date: This amendment shall be effective on June 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: March 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), is further amended by revising that part of the addenda to § 405.1221(d) in the appendix to Subpart L which relates to Connecticut to read as follows:

CONNECTICUT

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by the physician. The following qualifications apply to the supervisor and director:

(a) *Supervisor.* (1) *Towns having a population of more than 30,000.* The minimum qualifications for a nursing supervisor are a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(2) *Towns having a population of 30,000 or less.* Any nursing supervisor shall be at least:

(i) A registered nurse, licensed to practice in Connecticut, with 5 years of experience as a nurse in charge of a visting nurse agency or other home health agency; or

(ii) A registered nurse, licensed to practice in Connecticut, with a baccalaureate degree in nursing and 2 years of experience in a visiting nurse agency or other home health agency.

(b) *Director.* When a unit through which home health services are provided reaches a total nursing staff of 9 to 12, depending upon the number of towns involved and area served, a qualified public health nursing director shall be employed in addition to the nursing supervisor. The qualifications for the director are:

(1) *Preferred.* A master's degree with a major in public health nursing administration or supervision from a university program approved by the National League for Nursing, or a master's degree in public health from a university program approved by the American Public Health Association, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

(2) *Acceptable.* A baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, supplemented by approved courses in public health nursing supervision and administration, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

[FR Doc.76-12478 Filed 4-28-76;8:45 am]

Title 21—Food and Drugs

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

[FAP5H5093/R23; 529-8]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Bromide Ion and Residual Bromine

On September 19, 1975, the Environmental Protection Agency (EPA) announced (40 FR 43273) that Everpure, Inc., Westmont IL 60559, had filed a food additive petition (FAP 5H5093). This petition proposed that 21 CFR 123 be amended by establishing a food additive regulation permitting the use of a strong base anion exchange resin in polybromide form as a source of bromine for water disinfection.

This disinfectant is being proposed as an alternative to other chemicals to treat suspect water to render it bacteriologically suitable for human consumption aboard ship and on oil well drilling platforms. This chemical has minimal storage hazards compared to other chemicals used for the purpose.

No comments were received by the Agency with regard to this notice of filing. The data submitted in the petition and other relevant material have been evaluated. It has been concluded that the disinfectant can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered by the EPA. It has been determined, therefore, that the regulation should be established as set forth below, with a tolerance limitation of 1.0 ppm for residual bromine in treated water. The Agency has determined that a tolerance limitation for bromide ion levels in water treated by the poly brominated ion-exchange resin process approved herein is not required to assure that the use of this food additive is safe.

Any person adversely affected by this regulation, may on or before June 1, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 29, 1976, 21 CFR Part 123 is amended by adding Section 251 as set forth below.

Dated: April 21, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)].)

Part 123 is amended by establishing the new § 123.251 to read as follows:

§ 123.251 Bromide ion and residual bromine.

The food additives, bromide ion and residual bromine, may be present in potable water in accordance with the following conditions:

(a) The food additives are present as a result of treating water aboard ships with a polybrominated ion-exchange resin (as a source of bromine) under the supervision of trained personnel.

(b) Residual bromine levels are controlled to not exceed 1.0 parts per million (ppm) in the final treated water. Control is effected using calibrated recirculating or proportioning bromine feeder equipment and periodic checks of residual bromine using a bromine test kit. To assure safe use of the additives, the label and labeling of the disinfectant formulation containing the food additives shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

(c) No tolerence is established for bromide ion levels.

[FR Doc.76-12393 Filed 4-28-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-155]

PART 1—GENERAL PROVISIONS

Written Warnings by Coast Guard Boarding Officers

The Coast Guard is adding a new Subpart 1.08, Written Warnings by Coast Guard Boarding Officers, to 33 CFR Part 1, that describes the policy and the procedures of issuing written warnings for minor boating violations.

The Coast Guard is following a policy of issuing written warnings for certain violations of Coast Guard boating laws and regulations. These warnings are issued by the boarding officers who discover the violations. The issuance of a written warning, as opposed to an action for the assessment of a monetary penalty, has been determined to be an effective way for boarding officers to handle minor boating violations that involve first offenders who indicate that any discrepancies will be quickly corrected.

There is a specific list of violations for which a warning may be issued. The boarding officer is not permitted to issue a written warning for any violation which endangers the occupants of the vessel, where the operator of the vessel is required to be licensed, or where three or more violations of any type are discovered during one boarding.

Written warnings may be issued for the following violations:

1. Whistle—Sound producing devices:

a. Improper for length of boat.
b. Improper operation or not audible for required distance.

2. Personal Flotation Devices:

a. Not readily accessible or immediately available.
b. Not suitable or of appropriate size.

3. Backfire Flame Control:

a. Not properly maintained because the openings are blocked or loose but it is otherwise in good and serviceable condition.

4. Ventilation:

a. Installed, but there is a minor discrepancy that can be corrected on the spot, such as being blocked or having a loose cowl or ducting.

5. Numbers:

a. Invalid certificate of number or no certificate on board.
b. Numbers improperly displayed.

6. Documented Yachts:

a. Name and home port not displayed conspicuously.

7. Oil pollution prevention:

a. No fixed or portable means to discharge oily bilge slops to a reception facility.
b. No placard posted.
c. Evidence of draining sumps of oil lubricated machinery or the contents of oil filters, strainers, or purifiers into the bilge.

8. Fire extinguishers:

a. Not readily accessible.

Instances may arise where the operator of the boat advises the boarding officer that his violation is a first offense, where the boarding officer accordingly issues a written warning, and where subsequent record checks reveal prior violations or written warnings within one year. In these cases, the District Commander may rescind the written warning and start appropriate penalty action.

Written warnings are kept on file in District Offices for not more than one calendar year after the date of issue. Within this one year period, the operator is not considered to be a first offender if his vessel is boarded again. After this one year period has expired, the operator of a vessel that is boarded again is treated as a first offender and another written warning may be issued for any violation for which a warning is authorized.

Since written warnings issued by Coast Guard boarding officers may be referred to in determining the appropriate penalty in the case of subsequent violations within one year, there is an appeal procedure for that warning through the District Commander. The person issued a written warning may within 15 days from the date of issue appeal the warning either in person or in writing by presenting any information or material that denies, explains, or mitigates the violations in the written warning.

Since these amendments relate solely to agency policy and procedure, the notice of proposed rulemaking requirements in 5 U.S.C. 553(c) do not apply and they may be made effective in less than 30 days under 5 U.S.C. 553(d).

In consideration of the foregoing, Part I of Title 33, Code of Federal Regulations is amended by adding a new Subpart 1.08 that reads as follows:

Subpart 1.08—Written Warnings by Coast Guard Boarding Officers

Sec.

1.08-1 Applicability.
1.08-5 Procedures.

AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 85 Stat. 213 (46 U.S.C. 1451); 49 CFR 1.4(b), 1.46(n)(1).

Subpart 1.08—Written Warnings by Coast Guard Boarding Officers

§ 1.08-1 Applicability.

(a) The regulations in this subpart apply to certain violations of the following boating safety statutes and regulations for which Coast Guard boarding officers are authorized to issue written warnings instead of recommending civil or criminal penalty procedures under Subpart 1.07 of this part:

(1) 46 CFR 25.05 whistles or other sounding producing devices;
(2) 33 CFR 175 and 46 CFR 25.25 personal flotation devices;
(3) 46 CFR 25.35 backfire flame control;
(4) 46 CFR 25.40 ventilation;
(5) 33 CFR 173 numbering;
(6) 46 U.S.C. § 103, documented yachts;
(7) 33 CFR 155 oil pollution prevention; and
(8) 46 CFR 25.30 fire extinguishers.

(b) The Commandant authorizes designated boarding officers to issue warnings for certain minor violations of the statutes and regulations listed in paragraph (a) of this section. Written warnings are not authorized for all violations of these statutes and regulations.

§ 1.08-5 Procedures.

(a) A written warning may be issued where the boarding officer determines that—

(1) the observed violation is a first offense; and
(2) the operator states that the violation will be promptly corrected.

(b) A written warning may not be issued where—

(1) the operator is required to be licensed;
(2) the violation is a failure to have required safety equipment on board; or
(3) the boarding officer notes three or more violations during one boarding.

(c) Each District Office maintains a record of each written warning issued within that district for a period of not more than one year after date of issue.

(d) The District Commander of the district in which the warning is issued may rescind a written warning and institute civil penalty action under § 1.07-9 of this part if a record check discloses a prior written warning or violation within one year.

(e) Within 15 days after the date of issue, any person issued a written warning by a Coast Guard boarding officer may appeal the issuance of the warning to the District Commander by providing in writing or in person any information that denies, explains, or mitigates the violations noted in the warning.

(f) Each written warning states that—

(1) The warning is kept on file for one year from date of issue for reference in determining appropriate penalty action if there is a subsequent violation;
(2) If a record check reveals a prior written warning or violation within one year from the date of issue, the warning may be revoked and civil penalty action instituted;
(3) If an additional violation occurs within this one year period the warning may be used as a basis for the assessment of a higher penalty for the subsequent violation; and
(4) Within 15 days after the date of issue, the person who is issued the warning may appeal to the District Commander by providing in writing or in person any information or material that denies, explains, or mitigates the violations noted in the warning.

Effective Date: This amendment takes effect on April 29, 1976.

Dated: April 20, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.76-12117 Filed 4-28-76;8:45 am]

[OST Docket No. 36; Amdt. 52-1]

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

The Department of Transportation is revising the regulations governing the operation of the Board for Correction of Military Records of the Coast Guard. The United States Coast Guard is an operating administration within the Department subject to the direction of the Secretary, who is authorized by 10 U.S.C. 1552, under procedures established by him and acting through a board of civilians, to correct any military record of the Coast Guard when he considers it necessary to correct an error or remove an injustice.

This revision incorporates four important amendments to the former regulations—

(1) Section 52.05–5 has been amended, and the former section 52.05–15 (now § 52.15–5) rewritten, to provide more clearly that, in certain limited circumstances, the Board itself may deny relief without prejudice on individual applications. These circumstances are: (i) where the information or relevant evidence presented is insufficient to demonstrate probable material error or injustice; (ii) where effective relief cannot be granted by the Board; (iii) where the Board does not have jurisdiction to determine the matters presented; and (iv) where the application has not been timely filed and the interest of justice does not require its acceptance. This provision thus clarifies the fact that action by the Secretary is not required on each application submitted to the Board.

(2) Former sections 52.15–1 and 52.5–15(b), now incorporated into sections 52.20–1 through 52.20–15, have been revised and expanded to provide more suitable guidelines for the Board in determining whether a hearing is warranted and whether to grant a hearing to applicants who request reconsideration of a decision to deny a hearing. In addition, sections 52.20–1 through 52.20–15 have been revised to preclude situations in which new issues are raised at or immediately prior to the hearing. To this end, the revision provides that a hearing will be set only after the applicant or his counsel has submitted all documentary material he desires to rely on in support of the application. The revision provides further that new issues may be raised thereafter only upon a showing of good cause. If good cause is shown, the Board may postpone the hearing for such time as is necessary to allow sufficient time for review of all documentary material.

(3) Former section 52.35–2(c), in which the Commandant was required to determine personally whether military policies or regulations of the Coast Guard were involved before directing the Chief Counsel of the Coast Guard to prepare written views of the Coast Guard on a particular case before the Board, has been amended by section 52.45–5. As amended, section 52.45–5 removes the requirement of personal determination by the Commandant, thus enabling him to delegate this responsibility. This section should enable the Coast Guard to act more expeditiously on applications considered by the Board.

(4) Under former section 52.25–25(b), the record of proceedings was made available for inspection by the applicant or his counsel except where detrimental to the public interest. This provision has been clarified in light of more recently enacted laws to make the release of information to the applicant subject to Departmental regulations implementing the Privacy Act of 1974 and the Freedom of Information Act.

This revision is also intended to reflect the transfer of functions of the Coast Guard from the Department of the Treasury to the Department of Transportation, pursuant to section 6(b) of the Department of Transportation Act, 49 U.S.C. 1655(b), and to establish a greater degree of conformity between certain procedures of the Board for Correction of Military Records of the Coast Guard and those of the Army, Navy, and Air Force.

Since this revision relates only to the internal management of the Department, notice and public procedure thereon are not required, and the revision may be made effective upon publication in the FEDERAL REGISTER. However, in order to provide the public with an opportunity to submit its views on this regulation, comments from interested persons will be accepted for a period of forty-five days following the date of publication. Should any such comments justify revision of this regulation, the amended portion of the regulation will be published in the FEDERAL REGISTER.

Comments should identify the docket number (see above) and be submitted in writing to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before June 14, 1976 will be considered. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 Seventh Street, S.W., Washington, D.C., between 9 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

In consideration of the foregoing, Part 52 of Subchapter B of Chapter I of Title 33, Code of Federal Regulations, is revised to read as follows:

Subpart 52.01—Purpose and Authority

Sec.

52.01–1 Purpose.
52.01–5 Authority.

Subpart 52.05—Establishment, Function, and Jurisdiction of the Board

52.05–1 Establishment and composition.
52.05–5 Function.
52.05–10 Jurisdiction.

Subpart 52.10—Application for Correction

52.10–1 General requirements.
52.10–5 Time limit for filing application.

Subpart 52.15—Consideration of Application, Denial of Relief, and Stay of Proceedings

Sec.

52.15–1 Consideration of application.
52.15–5 Denial of relief.
52.15–10 Stay of proceedings.

Subpart 52.20—Hearings

52.20–1 Entitlement to hearing.
52.20–5 Denial of hearing.
52.20–10 Notice of hearing.
52.20–15 Postponement of hearing.
52.20–20 Nonappearance.

Subpart 52.25—Counsel, Witnesses, and Expenses

52.25–1 Counsel.
52.25–5 Witnesses.
52.25–10 Expenses.

Subpart 52.30—Procedure at Hearings

52.30–1 Convening the Board.
52.30–5 Conduct of hearing.
52.30–10 Procurement of evidence.
52.30–15 Access to official records.
52.30–20 Continuance.
52.30–25 Withdrawal.
52.30–30 Reporting.

Subpart 52.35—Judgment and Disposition

52.35–1 Deliberations and decision.
52.35–5 Minority report.
52.35–10 Record of proceedings.
52.35–15 Action by the Secretary.
52.35–20 Orders.
52.35–25 Notification.
52.35–30 Reconsideration.

Subpart 52.40—Payment of Claims

52.40–1 Authority to pay.
52.40–5 Procedures.
52.40–10 Interpretation.
52.40–15 Report of settlement.

Subpart 52.45—Miscellaneous Provisions

52.45–1 Staff assistance.
52.45–5 Request for information from the Coast Guard.

AUTHORITY: 10 U.S.C. 1552; 49 U.S.C. 1655(b).

Subpart 52.01—Purpose and Authority

§ 52.01–1 Purpose.

This part establishes the procedures for making application for the correction of military records of the Coast Guard, the consideration of applications by the Department of Transportation Board for Correction of Military Records of the Coast Guard, and for settling claims or determining monetary benefits.

§ 52.01–5 Authority.

(a) Section 131 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190g) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records, shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same Act, as amended, and as reenacted and codified in 10 U.S.C. 1552, provides that the Secretary of the Treasury, under procedures established by him, and acting through a board of civilians, may correct any military record of the Coast Guard when he considers it necessary to correct an error or remove an injustice. The functions, powers, and duties of the Secretary of the Treasury relating to the Coast Guard were transferred to and vested in the Secretary of Transportation (herein-

after, "the Secretary") by section 6(b) of the Department of Transportation Act (49 U.S.C. 1655(b)).

(b) Because this statutory authority is a substitute for the correction of military or naval records by legislative action, it is construed as conferring jurisdiction on the Secretary substantially equivalent to that previously exercised by the Congress.

(c) Corrections made under this authority are final and conclusive on all officers of the Government except when procured by fraud.

Subpart 52.05—Establishment, Function and Jurisdiction of the Board

§ 52.05–1 Establishment and composition.

(a) Pursuant to 10 U.S.C. 1552 and 49 U.S.C. 1655(b), the Board for Correction of Military Records of the Coast Guard (hereinafter "the Board") is established in the Office of the Secretary of Transportation.

(b) The Secretary appoints a panel of civilian officers or employees of the Department of Transportation to serve as members of the Board, and designates one such member to serve as Chairman of the Board. The Chairman designates members from this panel to serve as the Board for each case requiring consideration by a Board. A Board consists of three members, and two members present constitute a quorum of the Board.

(c) The Executive Secretary of the Board carries out the functions prescribed for him by these regulations and such other duties as may be assigned to him by the Chairman.

§ 52.05–5 Function.

The function of the Board is to consider all applications properly before it together with all pertinent military records to determine whether an error has been made in the Coast Guard records, or whether, under normal standards of military law, administration, and practice, the subject of the application has suffered a wrong as the result of an error of omission or commission in his records, or through some manifest injustice in the treatment accorded him.

§ 52.05–10 Jurisdiction.

(a) The Board has jurisdiction to review and determine all matters properly brought before it, consistent with existing law and such directives as may be issued by the Secretary.

(b) No application will be considered until the applicant has exhausted all effective administrative remedies afforded under existing law or regulations, and such legal remedies as the Board may determine are practical and appropriately available to the applicant.

Subpart 52.10—Application for Correction

§ 52.10–1 General requirements.

(a) An application for correction of a Coast Guard record must be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or an exact facsimile thereof, and should be addressed to: Executive Secretary, Board for Correction of Military Records of the Coast Guard, United States Department of Transportation, Washington, D.C. 20590. Forms and explanatory matter may be obtained from the Executive Secretary of the Board.

(b) The application shall be signed by the person requesting corrective action with respect to his record, except that the application may be made by a spouse, prenat , ehir,etaoish
parent, heir, or legal representative for the purpose of bringing the matter before the Board when the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or who is deceased. Where the application is not signed by the person requesting corrective action with respect to his record, it shall be accompanied by satisfactory evidence of (1) the death, incapacity, or unavailability of such person and (2) the relationship required of the person making application.

§ 52.10–5 Time limit for filing application.

An application for correction of a record must be filed within three years after discovery of the alleged error or injustice. An application filed after that time may not be accepted by the Board unless it finds that it would be in the interest of justice to do so. Reasons why its acceptance would be in the interest of justice should be set forth in the application.

Subpart 52.15—Consideration of Application, Denial of Relief, and Stay of Proceedings

§ 52.15–1 Consideration of application.

Each application and the available military records pertinent to the corrective action requested are reviewed by the Chairman to determine whether to deny relief pursuant to § 52.15–5, or to grant a hearing, or to recommend disposition on the merits without a hearing.

§ 52.15–5 Denial of relief.

(a) The Chairman, without requirement of Secretarial approval, may deny relief to an applicant—

(1) where the information or relevant evidence presented is insufficient to demonstrate probable material error or injustice;

(2) where effective relief cannot be granted by the Board;

(3) where the Board does not have jurisdiction to determine the matters presented; or

(4) where the application has not been timely filed under § 52.10–5 and the interest of justice does not require its acceptance.

Denial of relief under this section is without prejudice to further consideration in the event that new relevant evidence is submitted by the applicant or otherwise comes to the attention of the Board. Subsequent denials of relief on any application for any of the four reasons specified above are decided by the Board, without requirement of Secretarial approval.

(b) Where relief is denied under this section, written findings, conclusions, and recommendations are not required. The applicant is advised of the reasons for such denial and of any right he may have to further proceedings.

§ 52.15–10 Stay of proceedings.

The application to the Board for correction of a record does not operate as a stay of any proceedings or administrative action being taken with respect to or affecting the person involved.

Subpart 52.20—Hearings

§ 52.20–1 Entitlement to hearing.

The applicant may request that he be permitted to appear before the Board in person or by counsel or in person with counsel. The Chairman grants a hearing whenever the application and the military record in question, together with any briefs, memoranda, or other documents theretofore received, show that a hearing would be likely to produce additional information material to the case.

§ 52.20–5 Denial of hearing.

If the Chairman determines that a hearing is not warranted, the applicant or his counsel is notified in writing that a hearing has been denied and is advised of the reasons therefor. The applicant may request the Board to reconsider the denial by submitting, within 45 days after receiving notice of the denial, further documentary evidence to justify a hearing in the case. If the Board denies the request for reconsideration, the applicant or his counsel is notified in writing of the denial and the reasons therefor. The Board also sets forth the reasons for denial in its decision on the merits of the application.

§ 52.20–10 Notice of hearing.

(a) If the Chairman, or the Board upon reconsideration, determines that a hearing is warranted, the applicant or his counsel is notified in writing that a hearing has been granted, and that a time and place for the hearing will be set—

(1) upon receipt by the Board of all briefs, memoranda, or other documents the applicant or his counsel desires to submit in support of the application; or

(2) upon being advised by the applicant or his counsel that no additional documentary materials will be submitted.

(b) Written notice stating the time and place of the hearing is given to the applicant or his counsel and the Coast Guard upon the fulfillment of either of the conditions referred to in paragraph (a) of this section. The date of hearing may not be less than 30 days from the date of transmission of the written notice thereof, except that an earlier date may be set when the applicant waives his right to such 30 days' notice in writing and has actual notice of the time and place of the hearing.

§ 52.20–15 Postponement of hearing.

New issues may not be raised by legal briefs, memoranda, or other documentary evidence filed or submitted after the hearing date is set or at the hearing, ex-

cept for good cause shown. If new issues are raised after the hearing date is set, upon good cause shown, the Board may postpone the hearing for such time as is necessary to allow sufficient time for review of additional materials. If a hearing is postponed, the Board notifies the applicant or his counsel and the Coast Guard in writing of the postponement and of a place and time for a new hearing.

§ 52.20–20 Nonappearance.

An applicant who notifies the Board in writing that he does not desire to be present or to be represented by counsel at a hearing, or who fails without good cause to appear in person or by counsel at the appointed time and place for hearing, is deemed to have waived his right to a hearing. His case is then considered by the Board on the basis of all the material of record.

Subpart 52.25—Counsel, Witnesses, and Expenses

§ 52.25–1 Counsel.

As used in this part, the term "counsel" includes members in good standing of any bar; accredited representatives of veterans' organizations recognized by the Administrator of Veterans Affairs under Title 38, U.S. Code, Sec. 3402; and other persons who, in the opinion of the Board, are competent to represent the applicant for correction.

§ 52.25–5 Witnesses.

(a) In any case in which a hearing is authorized the applicant is permitted to present witnesses in his behalf.

(b) It is the responsibility of the applicant to notify his witnesses and to ensure their appearance at the time and place set for the hearing.

§ 52.25–10 Expenses.

No expenses of any nature whatsoever incurred by the applicant, his counsel, his witnesses, or any other person in his behalf may be paid by the Government.

Subpart 52.30—Procedure at Hearings

§ 52.30–1 Convening the Board.

The Board is convened at the call of the Chairman and recesses or adjourns at his order.

§ 52.30–5 Conduct of hearing.

(a) The Chairman conducts the hearing so as to insure a full and fair presentation of the evidence.

(b) The hearing is not limited by legal rules of evidence but reasonable bounds of competency, relevancy, and materiality are observed for the receipt and consideration of evidence.

(c) All testimony before the Board is given under oath or affirmation and witnesses are subject to examination by the Board.

§ 52.30–10 Procurement of evidence.

It is the responsibility of the applicant to procure such evidence, including official records, as he desires to present in support of his case.

§ 52.30–15 Access to official records.

The applicant shall have access to his official records or to any information pertaining to him which is in the custody of the Coast Guard as provided in 49 C.F.R. Part 10. The applicant shall have access to other Coast Guard records as provided in 49 C.F.R. Part 7.

§ 52.30–20 Continuance.

The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 52.30–25 Withdrawal.

The Board shall permit the applicant to withdraw his application at any time before a final determination by the Secretary. Any further consideration by the Board of the issues raised in the withdrawn application shall be given only upon a showing of good cause.

§ 52.30–30 Reporting.

The proceedings of the Board in open session are reported verbatim, and are transcribed at the discretion of the Board. The Board's deliberations are conducted in executive session and are not reported.

Subpart 52.35—Judgment and Disposition

§ 52.35–1 Deliberations and decision.

(a) Only members of the Board and its staff may be present during the deliberations of the Board.

(b) When it appears to the Board that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may request the applicant to obtain and submit, or may itself obtain, such further evidence as it considers essential to a complete and impartial understanding of the facts and issues involved. The applicant is given an opportunity to comment on any further evidence submitted to, or obtained by, the Board.

(c) In any case in which a hearing has not been held, the Board may accept any documentary evidence relevant to the matter under consideration submitted prior to final determination of the case by the Secretary. However, in any case in which a hearing has been held, the Board may not accept documentary evidence after the hearing which, by due diligence, could have been submitted prior to the hearing.

(d) Following the receipt of all evidence, the Board prepares a written decision containing its findings, conclusions, and recommendations with respect to the relief sought by the applicant or found by the Board to be appropriate. A majority vote of the members present on any matter before the Board constitutes the action of the Board and is so recorded.

(e) The decision of the Board specifies with particularity any change, correction, or modification of records that is to be made, and any other action deemed necessary to carry out the recommendations of the Board.

(f) Where the Board deems it necessary to submit a comment or recommendation to the Secretary as to a matter arising from, but not directly related to, the issues in a case, it does so by separate communication.

§ 52.35–5 Minority report.

In case of disagreement among members of the Board, a minority report on the Board's findings, conclusions, or recommendations may be submitted.

§ 52.35–10 Record of proceedings.

When the Board has completed its deliberations a complete record of the proceedings is prepared. The record includes the application for relief; a transcript of any testimony prepared for the Board; affidavits; papers, and documents considered by the Board; briefs and written arguments filed in the case; the findings, decisions, and recommendations of the Board; any minority report; and all other papers and documents necessary to reflect a true and complete history of the proceedings.

§ 52.35–15 Action of the Secretary.

The record of proceedings is transmitted to the Secretary for approval, disapproval, or return for additional consideration. Upon final action by the Secretary the record of proceedings is returned to the Board for disposition.

§ 52.35–20 Orders.

(a) The Board issues such orders or directives as may be necessary to carry out the decision of the Secretary.

(b) The addressees of such orders or directives shall submit a written report to the Board specifying the action taken and the date thereof.

(c) Unless doing so would nullify the relief granted, copies of the Secretary's decision and the Board's order shall be placed in the service record of the individual involved.

§ 52.35–25 Notification.

(a) Upon final determination of a case, the Board notifies the applicant or his counsel of the Secretary's decision.

(b) Subject to Departmental regulations implementing the Privacy Act of 1974 and the Freedom of Information Act, the Board transmits to the applicant or his counsel a copy of the Board's findings, decision and recommendation, and the applicant and his counsel may inspect the record of proceedings.

§ 52.35–30 Reconsideration.

(a) The recommendation of the Board, as approved, constitutes a final determination of the issues presented and considered.

(b) The Board grants an application for reconsideration of a final determination only if newly discovered evidence or information, not previously considered by the Board, is presented by the applicant or otherwise comes to the attention of the Board, and if the newly discov-

ered evidence or information would, if true, result in a determination other than that originally made. The Board may refuse to consider evidence or information claimed to be newly discovered if it finds that such materials could have been presented to the Board prior to its original determination if the applicant or his counsel had exercised reasonable diligence.

(c) A denial of reconsideration must be approved by the Secretary.

Subpart 52.40—Payment of Claims

§ 52.40–1 Authority to pay.

(a) The Coast Guard is authorized to pay the claims of any person, his heir at law, or legal representative, for amounts paid as a fine, forfeiture, loss of pay (including retired or retirement pay), allowances, compensation, emolument, or other monetary benefit, as the case may be, and as the result of action heretofore or hereafter taken under 10 U.S.C. 1552.

(b) The Coast Guard is not authorized to pay any claim heretofore compensated by Congress through enactment of private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans Affairs.

§ 52.40–5 Procedures.

(a) In each case the Board transmits a certified copy of the Secretary's decision to proper Coast Guard authority for determination of monetary benefits due as a result of the action of the Board.

(b) Upon request, the claimant is required to furnish any information necessary to determine the proper parties to the claim for purposes of payment under applicable provisions of law.

(c) Appropriate records are examined in the light of the Secretary's decision of the purpose of determining all amounts which may be due. Amounts found due are subject, to the extent authorized by law or regulations, to set off in the amount of existing indebtedness to the Government arising from Coast Guard service.

(d) At the time of payment, the claimant is advised as to the nature and amount of the various benefits represented by the total settlement, and of the fact that acceptance of the settlement constitutes a complete release by the claimant of any claim against the United States on account of the correction of record ordered by the Board.

§ 52.40–10 Interpretation.

If the intent or import of the Secretary's decision is not clear with respect to payment, the decision shall be returned to the Board for clarification.

§ 52.40–15 Report of settlement.

When payment is made pursuant to the order of the Board, the Executive Secretary of the Board shall be notified in writing of the name of the person to whom payment was made and of the itemized amount of the payment.

Subpart 52.45—Miscellaneous Provisions

§ 52.45–1 Staff assistance.

The Board may request such advice, opinion, assistance, or use of the facilities of any other bureau, board, or office of the Department of Transportation as may be deemed necessary.

§ 52.45–5 Request for information from the Coast Guard.

(a) The Board shall transmit to the Commandant a copy of each application for relief submitted under Subpart 52.10 that has not been denied pursuant to § 52.15–5, together with any briefs, memoranda, and documentary evidence submitted or obtained in the case.

(b) The Board may request the Coast Guard to submit any additional pertinent facts not disclosed in an application and its supporting documents.

(c) The Commandant may forward to the Board the written views of the Coast Guard on any case before the Board.

(d) A copy of each submission made by the Coast Guard under this section is given to the applicant or his legal representative who may rebut, if he wishes, the views of the Coast Guard contained therein.

(e) Information and views furnished by the Coast Guard under this section are not binding on the Board, but shall be considered by the Board along with all other information and material submitted in the particular case.

Effective Date: This amendment is effective April 29, 1976.

Issued in Washington, D.C. on April 23, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76–12532 Filed 4–28–76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Canaveral Harbor, Florida

On 11 February 1976 there was published in the FEDERAL REGISTER (Vol. 41, No. 29, page 6074) a notice of proposed rulemaking to establish and govern the use and navigation of a danger zone in the Trident Basin, adjacent to Canaveral Harbor, Cape Canaveral Air Force Station, Brevard County, Florida. Interested parties were given the opportunity to submit comments or objections on or before 12 March 1976.

No comments have been received and accordingly, the proposed danger zone is hereby established without change and is set forth below effective April 28, 1976.

Dated: April 15, 1976.

Approved:

VICTOR V. VEYSEY,
Assistant Secretary of the Army, (Civil Works).

§ 204.86 TRIDENT Basin Adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Florida Danger Zone.

(a) *The Danger Zone.* From the west side of the access channel at latitude 28°24'37", longitude 80°35'35" to the east side of the access channel at latitude 28°24'37", longitude 80°35'26" and the entire basin.

(b) *Regulations.* (1) No unauthorized vessel shall enter the area. The area will be used for loading and unloading explosives. The entrance to the basin will be marked by suitable boundary signs.

(2) The regulations will be enforced by the Commanding Officer, Naval Ordinance Test Unit, Patrick Air Force Base, Florida, or such agencies he may designate.

[FR Doc.76–12251 Filed 4–28–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 524–4]

PART 104—PUBLIC HEARINGS ON EFFLUENT STANDARDS FOR TOXIC POLLUTANTS

On January 12, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 1765–1769) by the Environmental Protection Agency proposing amendments to the rules of practice applicable to public hearings required to be held in connection with the establishment of effluent standards for toxic pollutants pursuant to the authority of Sections 307(a) and 501(a) of the Federal Water Pollution Control Act, as amended (the "Act") (33 U.S.C. Section 1251 et seq., Pub. L. 92–500, 86 Stat 816). Those rules of practice are set forth at 40 CFR Part 104. Interested persons were given until February 11, 1976, to submit written comments. All comments received were given full and careful consideration. In view of these comments the proposed amendments have been in certain respects revised, as set forth below. With these revisions, the new amended rules of practice are promulgated at this time.

Summary of Principal Features of These Rules. The rules in question set forth the procedure and practice applicable to public hearings required to be held under Section 307(a) of the Act in connection with the establishment of toxic pollutant effluent standards.

The purpose of the amendments made at this time is to clarify certain ambiguities in the rules as originally promulgated, and to make changes in certain areas. These include the procedures for filing objections to proposed standards, the content of those objections, the timing and status of public comments on the proposed standards filed by persons other than objecting parties, the order in which evidence is to be introduced, the provisions for administrative appeals from rulings by the presiding officer, and the provisions for a tentative and final decision by the Administrator and promulgation of final standards. The rationale for each of these modifications was set forth in the Preamble portion of the Notice of Proposed Rulemaking published on January 12, 1976, referred to above. The material therein set forth, together with the summary of principal comments, responses, and revisions hereinafter set forth, pro-

vide a statement of the basis and purpose for the amendments which are made at this time to the Agency's rules of practice applicable to public hearings on effluent standards for toxic pollutants.

Summary of Principal Comments, Responses Thereto, and Revisions. The Agency received written comments on the proposed amendments from the following 28 sources: Ford Motor Company, United States Department of Agriculture, Wisconsin Electric Power Company, St. Joe Minerals Corporation, Sun Oil Company, Union Carbide Corporation, Owens-Illinois, Inc., Standard Oil Company (SOHIO), Phillips Petroleum Company, Nalco Chemical Company, Diamond Shamrock Corporation, Exxon Company, Republic Steel Corporation, American Iron and Steel Institute, E. I. DuPont de Nemours & Company, the Synthetic Organic Chemical Manufacturers Association, FMC Corporation, Kaiser Aluminum and Chemical Corporation, National Coal Association, Aluminum Company of America, Manufacturing Chemists Association, Shell Oil Company, Kennecott Copper Corporation, The New Jersey Zinc Company, Union Oil Company of California, American Petroleum Institute, Covington and Burling on (behalf of the American Mining Congress, American Cyanamid Company, American Electric Power Service Corporation (on behalf of the A.E.P. Coal Companies), Hercules Inc., The National Association of Metal Finishers, and Reynolds Metals Company), and the U.S. Department of Commerce. The principal comments are summarized as follows, together with the Agency's response thereto, including any revisions to the amendments in light of such comments.

(1) Section 307(a)(2) of the Act requires that a public hearing commence within thirty days of the publication of proposed effluent standards. The proposed amendment would have required objections to the proposed standards to be filed with the hearing clerk within 20 days of publication in order to advise the Agency and the presiding officer as to the identity of the objecting parties and to provide an indication of the scope of the hearing. The content of the objections, as set forth in section 104.3(b) of the proposed amended rule, would have to include any modification proposed by the objecting party, the basis for any objection, and "the scientific and other basis for proposed modification, including reference to any pertinent scientific or authority in support thereof." In addition, the provision of former rule (section 104.-6) allowing late filing for good cause proposed to be deleted.

Many comments stated that the time allowed for the filing of objections, particularly coupled with the backup data requirements in support of any proposed modification, would be too short. Commenters recommended that preliminary statement of objection be required prior to the date set for commencement of the hearing, and that a further period be allowed for filing the more detailed scientific backup data in support of any proposed modification of the standard. In addition, some commenters recommended that allowance be made for late filing for good cause.

The Agency recognizes that the time prescribed for the filing of sections in the proposed amendments is indeed short. This is due to the very short 30 day time period provided for the commencement of the hearing under Section 307(a)(2) of the Act, as well as the comparatively short six month period following proposal of any toxic pollutant effluent standard within which a final standard must be promulgated. Even within these tight constraints, however, the Agency believes that its proposal with respect to the filing of objections should be relaxed to accommodate the legitimate concerns reflected in the foregoing comments. accordingly, the language of section 104.3 of the rules as promulgated at this time includes the following changes from the prior proposal. First, the time for filing an objection with the hearing clerk is extended to "within 25 days" of the publication of proposed standards, instead of the prior 20 days. Second, a provision has been added that "in exceptional circumstances and for good cause shown, the presiding officer may allow an objection to be filed after the [25 days] filing deadline * * *, which good cause must include at a minimum lack of actual notice on the part of the objector or any representative of such objector of the notice of proposed standards despite his exercise of due diligence, so long as such late filing will not cause undue delay in the proceedings or prejudice any of the parties." A strong showing of good cause must be made for such late filing, however, since publication of the proposed standards in the FEDERAL REGISTER is deemed to be adequate notice to all interested parties of the proposal.

Third, Section 104.3(b) as proposed is revised to require that the basis for the objections as well as any proposed modification and supporting data be submitted with the objection "to the greatest extent feasible". At the same time, a new subsection (c) is added which provides that in the event that an objecting party is unable to provide such information within the 25 day period for filing the objection, he may so state at the time of the filing of the objection, and thereafter may file a more complete statement furnishing such information not later than 40 days following publication of the proposed effluent standards. It should be emphasized that although the objective of these provisions is to require as precise and complete as possible a statement of any objection, modification, and the basis therefor early in the proceedings, this is not a preclusive rule of evidence, and an objecting party is not limited in his presentation of evidence at the hearing only to evidence identified or described at the time of the filing of any objection or supplemental material pursuant to Section 104.3. In light of the addition of the new subsection (c), the language of subsection (c) in the January 12 proposal (comments by non-parties) is redesignated subsection (d).

(2) The proposed amendments would have deleted the last paragraph of the existing section 104.6 providing for notification by the presiding officer to any person whose objection is not accepted for filing for failure to meet the prescribed requirements. Several commenters requested that the notification portion of this provision be retained. Accordingly, such notification is provided in subsection (b) of section 104.3 as promulgated.

(3) A new subsection (e) is added to section 104.3 providing that if no objections to a proposed standard is filed, the Administrator shall promulgate final standards on the basis of the Agency's statement of basis and purpose and any public comments received pursuant to subsection (d). This will result in promulgation of the standards as proposed, unless the comments are of such a nature as to justify a modification thereof "based upon a preponderance of the evidence" in accordance with Section 307(a)(2) of the Act.

(4) With respect to public comments filed by non-parties, several commenters suggested that comments be allowed throughout the hearing, and at the close thereof. This suggestion is not adopted on the grounds that it would not afford the parties to the proceeding sufficient opportunity to evaluate and respond to such comments, a feature which other commenters recognized as essential. One commenter suggested that parties be allowed to file comments. This suggestion is rejected since parties have ample opportunity to put forth their case at the hearing, and the public comment provision is included only to accommodate persons not in a position to participate in the hearings as parties.

(5) Several commenters observed that in the sections of the rules where evidence may be admitted without cross-examination, the proposed amendments provided that the Administrator in making any decision based thereon "may" take into account the unavailability of cross-examination in determining the weight afforded such testimony. The commenters suggested that it would be fairer to provide that the Administrator "shall" take such unavailability into account. The Agency agrees. Accordingly, the word "may" is changed to "shall" in section 104.3(d) (public comments), section 104.9(f) (admission of evidence generally), and section 104.13(f) (admission of evidence without cross-examination on administrative remand) as promulgated at this time. One commenter requested with respect to each of these sections, as well as section 104.10(c) (which allows the presiding officer under certain circumstances to limit the scope and extent of cross-examination), that a party to whom cross-examination has been denied be allowed to file a statement in lieu of cross-examination. There appears no convincing need for such an unusual provision, and accordingly, the suggestion is not adopted.

(6) Section 104.4 prescribes the requirements of the Agency's statement of basis and purpose which is to be made available at the time of proposal of effluent standards. In its proposed amendments the Agency deleted the requirement that this statement must include "any assumptions or calculations necessary" for the derivation of the standard, on the grounds that it was a vague and potentially burdensome requirement, and susceptible of an interpretation which might require the Agency to gather up and set forth any assumption or calculation whatsoever, no matter how minor. A number of commenters objected to the deletion, contending that without this language the Agency might omit to set forth any assumptions and calculations essential to derivation of the standards. The proposed deletion is retained, however, in order to avoid controversies over exactly which assumptions and calculations rise to what level of significance. Lest there be any misunderstanding, however, it is the view of the Agency that the provisions of Section 104.4 as promulgated today do not relieve the Agency from identifying in its statement of basis and purpose those critical assumptions or calculations which are essential to the derivation of the proposed standard, and such identification is clearly within the scope of subsections (b) and (d) of this Section.

(7) A number of commenters requested that at the time of proposal of standards the Agency make available for inspection and copying not only its full statement of basis and purpose, including any documents incorporated by reference in the published notice, but all of the other publications and materials referenced therein. The preamble to the January 12, 1976, Notice of Proposed Rulemaking stated that the Agency would have these cited materials available at the hearing and at any prehearing conference, to the greatest extent feasible. The Agency agrees that making such materials available at the time of publication of the proposed standards is likely to assist interested persons in assessing the basis of the Agency's proposed standards, and expedite the efforts of parties to prepare their objections and backup data. Accordingly, such materials shall be made available to the greatest extent feasible (i.e., to the extent they are in the possession of the Agency) for inspection and copying as of the date of publication of the notice of proposed effluent standards. The Notice of Proposed Rulemaking for such standards will identify the location where such material shall be available.

(8) One commenter criticized the provision in proposed section 104.7(e), which is similar to the prior provision in section 104.8(f), which authorizes the presiding officer to "require any part or all of the evidence to be submitted in writing and by a certain date" as precluding oral testimony. It is intended, however, that this provision will be implemented consistent with the Administrative Procedure Act ("A.P.A."), 5 U.S.C. section 556 (b), which expressly authorizes an agency to, "when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form." It is expected that the presiding officer will exercise his authority under this section in a manner which is best suited to the particular circumstances before him.

(9) Several commenters noted that the Administrative Law Judge, who is a hearing examiner appointed by the Agency in accordance with 5 U.S.C. section 3105, need not be limited to a person from within the Agency, as provided in the proposed amendment to section 104.6. The Agency agrees, and accordingly the section as promulgated eliminates that limitation. In addition, one commenter stated that the presiding officer should never be a person who has participated in the development or enforcement of any standard or proposed standard which is at issue in a hearing before him. This is consistent with existing Agency policy, and is therefore adopted in section 104.6 as promulgated.

(10) Section 104.8 sets forth the procedures relating to the prehearing conferences. While one commenter suggested that the powers accorded the presiding officer are too broad and could be misused, others praised the broad use of prehearing conferences to narrow and sharpen the issues and develop an orderly framework for the presentation of evidence. As noted in the Preamble portion of the January 12 proposal, the powers accorded to the presiding officer are similar to those in effect in the United States District Court, where they have proven to be highly successful as well as flexible. They are also not dissimilar from comparable provisions in other administrative rules of practice and procedure.

One specific provision, section 104.8 (a)(7), which pertains to the appointment of lead counsel for objectors with common interests so as to avoid repetitious questioning, was criticized by some on the ground that it might be interpreted as authorizing the presiding officer to require appointment of lead counsel against the wishes of a party, thereby effectively depriving him of his right to counsel of his choice. This was not the intention of the proposed amendment. To make this clear, the language of the subsection as promulgated has been revised to describe this power of the presiding officer as "encouragement of objecting parties to agree upon and designate lead counsel * * *"

(11) Section 104.9 sets forth the procedures for admission of evidence. Subsection (b) as set forth in the proposed amendments provided that at the first prehearing conference, or such other time prior to the beginning of the taking of oral testimony as the presiding officer should establish, the Agency's statement of basis and purpose "and any other materials offered by the Agency staff in support of the proposed toxic pollutant effluent standards" shall be received in evidence. One commenter somewhat ambiguously suggested that subsection (b) be deleted, or at a minimum the quoted language be deleted. In contrast, a very substantial number of commenters emphasized that the Agency's statement of basis and purpose is an essential element of the record, and should go into the record at the outset of the proceedings. The Agency is therefore retaining this amendment as proposed, with the modification that the quoted language is replaced so as to limit the additional materials to "any publications or reference materials cited" in the statement of basis and purpose. Even these "footnoted" materials may be excluded by stipulation where any parts of them are agreed to be cumulative or immaterial, to avoid cluttering the record. This does not limit the Agency's opportunities to offer additional materials in evidence at the outset of the proceeding, since this right is expressly set forth in the new language of Section 104.10(a).

(12) Section 104.10 as set forth in the amendments proposed in January embodied several revisions to the hearing procedures previously set forth in Section 104.11. Because under the prior rules it was not clear which party was to go first in presenting its case, the amendment proposed in Section 104.10(a) provided that following the admission in evidence of the materials described in Section 104.9(b), the Agency "shall have the right at the commencement of the hearing to supplement that evidence or to introduce additional relevant evidence." This provision reflects not only the right but the duty of the Agency to go forward first and present as its case in chief the evidence in support of its proposed standards. The Administrative Procedure Act, 5 U.S.C. section 556(d) provides in pertinent part that "except as otherwise provided by statute, the proponent of the rule or order has the burden of proof." Section 307(a)(2) of the Act does to some extent "otherwise provide". That statute in pertinent part provides as follows:

> as soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based on a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

Under this section, the Administrator has an initial burden of coming forward with evidence to support the proposed standard. The minimum requirements of this section are satisfied by production of the Agency's statement of basis and purpose. The Agency may supplement this in accordance with section 104.10(a). Following this, the opportunity is open to any objecting party to put on its case in support of any proposed modification. Any objecting party as the proponent of a modification has the burden of proof with respect thereto, and the evidentiary standard which such objector must meet is "a preponderance of the evidence adduced at such hearings."

The proposed amendments also contained specific language in Section 104.10 with respect to the scope of rebuttal and the order of procedure in connection therewith. The Administrative Procedure Act expressly recognizes the right of any party, including the Agency staff as pro-

ponent of the standard, "to submit rebuttal evidence." 5 U.S.C. Section 556(d). As noted in the Preamble to the amendments proposed on January 12, the interests of rulemaking are best served by a liberal approach to rebuttal, so long as the rebuttal evidence is responsive in some way to a part of the case presented by one or more of the objectors, and so long as the objectors are afforded a reasonable opportunity to reply to such rebuttal. That opportunity for the objectors to respond to any new evidence introduced on the rebuttal is expressly guaranteed by the proposed amendment in Section 104.10(a).

Nevertheless several commenters suggested variously that (1) the Agency should not be allowed to put on any evidence at all other than its statement of basis and purpose, (2) to allow the Agency to put on rebuttal evidence would allow the Agency to avoid its initial obligation to put on adequate evidence in its case in chief to support its proposed standards, and (3) that to allow rebuttal evidence which does anything other than support the standard originally proposed by the Agency, even though it may be responsive to some part of an objector's case, would in effect unfairly allow EPA to propose a new standard without adequate notice.

As to the first of these comments, the suggestion that EPA be precluded from putting on any evidence at the hearing beyond its statement of basis and purpose is clearly contrary to the provisions of the Administrative Procedure Act and without authority whatsoever in Section 307(a). The provision allowing the Agency to put on additional evidence in its case in chief at the outset is subject to two obvious limitations: first, the evidence must be relevant to the proposed standard, and second, the evidence will be identified or made available in advance to opposing parties in accordance with whatever procedures are established by the presiding officer at the prehearing conference. Such evidence might logically include, for example, further explanation where appropriate of materials or points set forth in the statement of basis and purpose, or new information which has come to light subsequent to the publication of the notice.

As to the contention that the provision for rebuttal or even the provision allowing supplemental evidence by the Agency at the outset of the hearing as part of its case in chief will permit the agency to fail to prepare an adequate statement of basis and purpose at the outset, the Agency does not interpret and will not interpret these provisions in that fashion. The Agency in proposing standards will set forth a statement of basis and purpose such that even absent any further evidence at all by any party at any hearing, the proposed standards could be promulgated in final form.

With respect to the suggestion that the scope of rebuttal evidence should be restricted only to evidence which not only is responsive to the case of an objector but which supports the precise standard proposed by the Administrator, there is no basis in the Administrative Procedure Act for such a limitation, nor in the rules of evidence for civil or administrative procedure generally. Indeed, the approach to the admissability of the evidence in a rulemaking proceeding should be liberal so as to assure an adequate and ample record on which a fair and reasonable standard can be promulgated. An offer of evidence by the Agency in response to some evidence or claim advanced by an objector is not the equivalent of a new proposal of standards. To the extent that it provides an evidentiary basis to the Administrator to promulgate a standard other than that proposed either initially by the Agency or in any specific modification proposed by an objector, no new formal public notice is required; if this were so Congress would presumably have required a formal public notice of any proposed modification sought by an objector. However, Congress did not so provide, nor is there any indication in the legislative history that such formal notification is required, nor is such a requirement inherent in the rulemaking process. The scope of rebuttal for the Agency and for objecting parties alike should be subject only to the traditional limitation that the evidence offered be in some way responsive to the case presented by the other side. Upon completion of the hearing any party is free to argue not only in support of his proposed standard or modification, but, as in any other proceeding, rulemaking or otherwise, for a compromise or "fallback" position.

Several commenters in seeking to impose narrow restrictions on the scope of rebuttal cited the decision of the Deputy Administrator on August 16, 1974, at the first hearing on proposed toxic substances, FWPCA 307(a) Docket No. 1, which affirmed an evidentiary ruling of the presiding officer excluding three affidavits offered during the course of rebuttal by the Agency very late in those hearings. The basis for that ruling, as the Deputy Administrator's decision made clear, was not the relevance of the offer but the fact that it was made without adequate prior notice to the objectors and so late in the proceeding that they were effectively deprived of an opportunity to respond. The present amendments to these rules seek to avoid a repetition of that situation. The comments in that decision that the Agency first present its case in chief, and that rebuttal should not be a substitute for the case in chief but should be responsive to some element of the case of an objector, and that adequate opportunity be allowed for the objectors to respond to such rebuttal are all addressed in these proposed amendments. For future guidance, however, it is these rules of practice and procedure, and not that decision, which will govern the scope and conduct of future hearings under Section 307(a).

(13) One commenter suggested that the rules fix specific times for both the Agency and the objectors to submit rebuttal testimony in advance. However, the Agency believes that this is best left to the judgment and discretion of the presiding officer depending upon the particular circumstances at hand.

(14) Section 104.10(d) of the proposed amendments, which is similar in substance to Section 104.11(a) of the original rules, provides in accordance with Section 307(a)(2) that the burden of proof as to any modification shall be on the party advocating such modification to show that it is justified based upon a preponderance of the evidence. Although several commenters objected to this burden, it is expressly required by the statute. One commenter expressed concern that this appeared to limit the scope of evidence which an objecting party could present only to evidence in support of his proposed modification, and might not allow the objector to put on evidence responsive to the Agency's proposal but not expressly supportive of the objector's proposed modification. The answer is that the section is not so limited and does not preclude such evidence.

(15) Several commenters suggested deletion or modification of Section 104.10(c), which allows the presiding officer to limit the evidence in the face of time constraints. The language of this subsection appeared verbatim in the original rules at Section 104.11(b), and there does not appear to be any justification for revising it at this time. The presiding officer should construe and apply it in a manner consistent with the language of the A.P.A., 5 U.S.C. § 556(d) that "A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts."

(16) In response to a number of comments, the provision in Section 104.11 for the filing of briefs and proposed findings of fact and conclusions following the hearing is revised so as to make this a matter of right.

(17) Several recommendations were received concerning Section 104.13 of the proposed amendments pertaining to interlocutory and post-hearing review of rulings of the presiding officer. In response to these comments the following changes have been made. In subsection (b), it is provided if the presiding officer declines certification of a ruling for interlocutory review, any request for such review directed to the Administrator is subject to the same standards for review as apply when the request is made to the presiding officer. If the Administrator takes no action with respect to such request within 15 days of its filing, the application is deemed denied. Subsection (g) as proposed allowed the filing of motions at any time after the first prehearing conference. This is revised in the amendments promulgated at this time to allow the filing of motions at any time following publication of proposed standards.

(18) A number of comments were received on proposed Section 104.14, which sets forth the requirements for the tentative and final decision by the Administrator, making several modifications on the prior provisions in Sections 104.14 and 104.15. Several persons criticized deletion of the requirement that a ten-

tative decision be published in the FEDERAL REGISTER. However, there is no statutory requirement for such publication, and the tight statutory time table established in Section 307(a)(2) simply does not allow sufficient time for such publication and the receipt of meaningful comments in response thereto, nor is it clear what if any further hearing procedures should be conducted following receipt of such comments. Accordingly, that requirement is deleted in these amendments.

(19) Several commenters suggested that the presiding officer be empowered to make recommended findings of fact and conclusions, and to render a recommended decision. The Agency believes that in matters of rulemaking, as distinct from some instances involving adjudication, it is more appropriate for the Administrator rather than for the presiding officer to render the tentative and final decision, particularly in view of the fact the establishment of standards of general application involves policy decisions and hence is in some respects an institutional decision even though the basis for this decision is the record established in connection with the hearings.

(20) Several commenters felt that the opportunity to file exceptions to a tentative decision, together with a supporting brief, is an important feature of the proceeding, and should not be limited by statutory time constraints. The Agency agrees that this is an important feature, and accordingly has revised Section 104.14(b) and added a new subsection (c) to provide that ordinarily this will be allowed. The filing of a tentative decision and the allowance of exceptions thereto will be dispensed with only if, as in the language of A.P.A. 5 U.S.C. Section 557(b)(2), the Administrator determines that "due and timely execution of his functions imperatively and unavoidable so requires." Although one commenter expressly requested 30 days following the tentative decision to file such exceptions, the Agency believes that this is best left to the sound judgment of the presiding officer, or the Administrator.

(21) Several commenters suggested that the Administrator should be required in both a tentative and final decision to set forth a statement of his findings and conclusions and the basis therefore. This is normal Agency practice, and the Agency agrees that it would be helpful to incorporate such a provision in the rules. Such a provision has therefore been added in Section 104.14(d) as promulgated today.

(22) Several commenters suggested that the provision in Section 104.14(c) as proposed on January 12 concerning the taking of official notice be revised to include language allowing any opposing party a reasonable opportunity to show the contrary. *Cf.*, A.P.A. 5 U.S.C. Section 556(e) and Federal Rules of Evidence Rule 201. Also, it should follow the language of comparable provisions in other Agency regulations allowing the taking of official notice of matters based on specialized Agency knowledge, e.g. 40 C.F.R. 168.41(e). The Agency has revised the official notice provision accordingly. Because this is a matter of evidence which may be utilized by the presiding officer as well as the Administrator, the location of the provision has been moved to Section 104.9, dealing with admission of evidence, where it is promulgated as a new subsection (g).

(23) Several comments were received on the proposed amendment reflected in Section 104.15 providing that the Administrator in promulgating a final standard based upon the record is not limited solely to the express numerical standards proposed by the Agency or proposed in any modification. One commenter opposed the provision. That position is unduly restrictive, since it could happen that substantial evidence in the record taken as a whole might yield strong support for numerical standards somewhere between those proposed by the Agency and the modifications proposed by objectors. Accordingly the section is promulgated as proposed. Two commenters emphasized the need for notice prior to finalization of any decision to promulgate a standard other than that proposed. This concern is satisfied to the extent practicable in the provision for a tentative decision with opportunity for exceptions.

(24) Several commenters suggested that the possibility of a final standard different than the one proposed warrants some form of public notice, such as FEDERAL REGISTER publication, otherwise a person who was satisfied with the proposed standard and did not object, but who might not be satisfied by a modification, would miss the opportunity to object to such modification. As noted above, however, such FEDERAL REGISTER publication is not feasible within the time constraints imposed by Section 307(a) of the Act. The answer to this comment must be that if anyone believes that he may be adversely affected by the standard as proposed or modified, he should become a party to the proceedings and thereby protect his interest, even if the objection he files is an objection to any change in the proposed standards.

(25) Several commenters opposed the proposed deletion of the prohibition on *ex parte* discussions appearing in the original rules at Section 104.16. The Agency proposed to delete this section for the reason that the prohibition on such *ex parte* conversations, which is applicable to adjudication, is inapplicable to rulemaking. The Agency cited considerable case law in support of this point. Although several of the commenters cited decisions which they claim supported a contrary view, each of the cases cited involved adjudication rather than rulemaking, and are hence inapplicable. The comments submitted by Kaiser Aluminum and Chemical Corporation cite K. Davis *Administrative Law Treatise*, Section 13.00 at 453 (1970 Supp.). Davis is at that point discussing the separation of prosecutorial and decision-making functions within an administrative Agency, which is closely related to the *ex parte* question since the issue with respect to Agency personnel is whether the staff who presents the evidence should be precluded from discussing the regulation with the Administrator out of the presence of the objector's representatives. Although Professor Davis equivocates on what the policy should be, he leaves no doubt about the law: "The conclusion seems to be rather solid that no law requires the Commissioner [of FDA] to separate functions in rulemaking for which on-the-record hearings are required". Id. p. 443.

The rationale for not imposing separation of functions, and the attendant prohibition on communication between those responsible for developing and presenting the proposed rule or standard and the person ultimately charged with promulgation, lies with the nature of rulemaking. The development of a proposed rule or standard includes a number of policy decisions in which many program offices within the Agency participate. The Administrator relies on the advice and recommendations of these offices in developing and proposing the standards. At the same time, persons within these offices may well present evidence at rulemaking hearings including information on which the proposed standard was based. It would be counterproductive to reasoned rulemaking if, at the stage of final decision and promulgation, the Administrator were isolated from those within the Agency whom he normally consults on policy determinations and whose offices will be charged with implementation and enforcement of the regulations. The institutional nature of the Administrator's decision, as noted previously, is inherent in the very nature of rulemaking, and is normally absent from adjudication.

Because the law clearly does not require the prohibition on *ex parte* discussions contained in Section 104.16 as originally promulgated, and because nothing in the rulemaking process warrants its retention, it is deleted as proposed.

With the revisions above, the amendments to the Agency's rules of practice for hearings in connection with the establishment of toxic pollutant effluent standards pursuant to Section 307(a) of the Act on January 12, 1976, are adopted.

Effective Date: The amended rules of practice as hereinafter promulgated shall become effective on June 1, 1976.

Dated: April 21, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 104 of Chapter I, Title 40, Code of Federal Regulations is revised to read as follows:

Sec.

104.1 Applicability.
104.2 Definitions.
104.3 Notice of Hearing; Objections; Public comment.
104.4 Statement of Basis and Purpose.
104.5 Docket and Record.
104.6 Designation of Presiding Officer.
104.7 Powers of Presiding Officer.
104.8 Prehearing Conferences.
104.9 Admission of Evidence.
104.10 Hearing Procedures.
104.11 Briefs and Findings of Fact.
104.12 Certification of Record.
104.13 Interlocutory and Post-hearing Review of Rulings of the Presiding Officer; Motions.

104.14 Tentative and Final Decision by Administrator.
104.15 Promulgation of Standards.
104.16 Filing and Time.

AUTHORITY: Sections 501 and 307(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et. seq., Pub. L. 92-500, 86 Stat. 816).

§ 104.1 Applicability.

This Part shall be applicable to hearings required by statute to be held in connection with the establishment of toxic pollutant effluent standards under section 307(a) of the Act.

§ 104.2 Definitions.

As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. section 1251 et seq., Pub.L. 92-500, 86 Stat. 816.

(b) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate his authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Agency" means the Environmental Protection Agency.

(d) "Hearing Clerk" means the Hearing Clerk, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(e) "Party" means the Environmental Protection Agency as the proponent of an effluent standard or standards, and any person who files an objection pursuant to § 104.3 hereof.

(f) "Person" means an individual, corporation, partnership, association, state, municipality or other political subdivision of a state, or any interstate body.

(g) "Effluent standard" means any effluent standard or limitation, which may include a prohibition of any discharge, established or proposed to be established for any toxic pollutant under section 307(a) of the Act.

(h) "Presiding Officer" means the Chief Administrative Law Judge of the Agency or a person designated by the Chief Administrative Law Judge or by the Administrator to preside at a hearing under this part, in accordance with § 104.6 hereof.

§ 104.3 Notice of Hearing; Objection; Public Comment.

(a) *Notice of Hearing.* Whenever the Administrator publishes any proposed effluent standard, he shall simultaneously publish a notice of a public hearing to be held within thirty days following the date of publication of the proposed standard. Any person who has any objection to a proposed standard may file with the hearing clerk a concise statement of any such objection. No person may participate in the hearing on the proposed toxic pollutant effluent standards unless the hearing clerk has received within 25 days of the publication of the notice of the proposed standards a statement of objection as herein described. In exceptional circumstances and for good cause shown the presiding officer may allow an objection to be filed after the filing deadline prescribed in the preceding sentence, which good cause must include at a minimum lack of actual notice on the part of the objector or any representative of such objector of the proposed standards despite his exercise of due diligence, so long as such later filing will not cause undue delay in the proceedings or prejudice to any of the parties.

(b) *Objections.* Any objection to a proposed standard which is filed pursuant to subsection (a) hereof shall meet the following requirements:

(1) It shall be filed in triplicate with the hearing clerk within the time prescribed in paragraph (a) of this section;

(2) It shall state concisely and with particularity each portion of the proposed standard to which objection is taken; to the greatest extent feasible it shall state the basis for such objection;

(3) To the greatest extent feasible it shall (i) state specifically the objector's proposed modification to any such standard proposed by the Agency to which objection is taken, (ii) set forth the reasons why such modification is sought, and (iii) identify and describe the scientific or other basis for such proposed modification, including reference to any pertinent scientific data or authority in support thereof.

Any objection which fails to comply with the foregoing provisions shall not be accepted for filing. The presiding officer shall promptly notify any person whose objection is not accepted for any of the reasons set forth in this section, stating the reasons therefor.

(c) *Data In Support Of Objection Or Modification.* In the event that the time prescribed for filing objections pursuant to paragraphs (a) and (b) of this section is insufficient to permit an objecting party to fully set forth with such objection the basis therefor together with the information and data specified in paragraph (b)(3) of this section, he may so state at the time of the filing of such objection, and file a more complete statement of such basis, information, and data (hereinafter referred to as "supplemental data") within the time prescribed by this paragraph (c). The supplemental data herein described shall be filed not later than 40 days following publication of the proposed effluent standards.

(d) *Public Comment.* The notice required under paragraph (a) of this section shall also provide for the submission to the Agency of written comments on the proposed rulemaking by interested persons not filing objections pursuant to this section as hereinabove described, and hence not participating in the hearing as parties. The notice shall fix a time deadline for the submission of such comments which shall be not later than the date set for commencement of the hearing. Such comments shall be received in evidence at the commencement of the hearing. The Administrator in making any decision based upon the record shall take into account the unavailability of cross-examination in determining the weight to be accorded such comments.

(e) *Promulgation In Absence Of Objection.* If no objection is filed pursuant to this section, then the Administrator shall promulgate the final standards on the basis of the Agency's statement of basis and purpose and any public comments received pursuant to paragraph (d) of this section.

§ 104.4 Statement of basis and purpose.

Whenever the Administrator publishes a proposed effluent standard, the notice thereof published in the FEDERAL REGISTER shall include a statement of the basis and purpose of the standard or a summary thereof. This statement shall include:

(a) The purpose of the proposed standard;

(b) An explanation of how the proposed standard was derived;

(c) Scientific and technical data and studies supporting the proposed standard or references thereto if the materials are published or otherwise readily available; and

(d) Such other information as may be reasonably required to set forth fully the basis of the standard.

Where the notice of the proposed rulemaking summarizes the full statement of basis and purpose, or incorporates documents by reference, the documents thus summarized or incorporated by reference shall thereupon be made available by the Agency for inspection and copying by any interested person.

§ 104.5 Docket and record.

Whenever the Administrator publishes a notice of hearing under this Part, the hearing clerk shall promptly establish a docket for the hearing. The docket shall include all written objections filed by any party, any public comments received pursuant to § 104.3(d), a verbatim transcript of the hearing, the statement of basis and purpose required by § 104.4, and any supporting documents referred to therein, and other documents of exhibits that may be received in evidence or marked for identification by or at the direction of the presiding officer, or filed by any party in connection with the hearing. Copies of documents in the docket shall be available to any person upon payment to the Agency of such charges as the Agency may prescribe to cover the costs of duplication. The materials contained in the docket shall constitute the record.

§ 104.6 Designation of Presiding Officer.

The Chief Administrative Law Judge of the Agency may preside personally at any hearing under this Part, or he may designate another Administrative Law Judge as presiding officer for the hearing. In the event of the unavailability of any such Administrative Law Judge, the Administrator may designate a presiding officer. No person who has any personal pecuniary interest in the outcome of a proceeding under this Part, or who has participated in the development or enforcement of any standard or proposed standard at issue in a proceeding hereunder, shall serve as presiding officer in such proceeding.

§ 104.7 Powers of Presiding Officer.

The presiding officer shall have the duty to conduct a fair hearing within the time constraints imposed by section 307

(a) of the Act. He shall take all necessary action to avoid delay and to maintain order. He shall have all powers necessary to these ends, including but not limited to the power to:

(a) Rule upon motions and requests;

(b) Change the time and place of the hearing, and adjourn the hearing from time to time or from place to place;

(c) Examine and cross-examine witnesses;

(d) Admit or exclude evidence; and

(e) Require any part or all of the evidence to be submitted in writing and by a certain date.

§ 104.8 Prehearing Conferences.

Prehearing conferences are encouraged for the purposes of simplification of issues, identification and scheduling of evidence and witnesses, the establishment of an orderly framework for the proceedings, the expediting of the hearing, and such other purposes of a similar nature as may be appropriate.

(a) The presiding officer on his own motion may, and at the request of any party made within 20 days of the proposal of standards hereunder shall, direct all parties to appear at a specified time and place for an initial hearing session in the nature of a prehearing conference. Matters taken up at the conference may include, without limitation:

(1) Consideration and simplification of any issues of law or fact;

(2) Identification, advance submission, marking for identification, consideration of any objections to admission, and admission of documentary evidence;

(3) Possible stipulations of fact;

(4) The identification of each witness expected to be called by each party, and the nature and substance of his expected testimony;

(5) Scheduling of witnesses where practicable, and limitation of the number of witnesses where appropriate in order to avoid delay or repetition;

(6) If desirable, the segregation of the hearing into separate segments for different provisions of the proposed effluent standards and the establishment of separate service lists;

(7) Encouragement of objecting parties to agree upon and designate lead counsel for objectors with common interests so as to avoid repetitious questioning of witnesses.

(b) The presiding officer may, following a prehearing conference, issue an order setting forth the agreements reached by the parties or representatives, the schedule of witnesses, and a statement of issues for the hearing. In addition such order may direct the parties to file and serve copies of documents or materials, file and serve lists of witnesses which may include a short summary of the expected testimony of each and, in the case of an expert witness, his curriculum vitae, and may contain such other directions as may be appropriate to facilitate the proceedings.

§ 104.9 Admission of Evidence.

(a) Where the presiding officer has directed identification of witnesses and production of documentation evidence by a certain date, the presiding officer may exclude any such evidence, or refuse to allow any witness to testify, when the witness was not identified or the document was not served by the time set by the presiding officer. Any such direction with respect to a party's case in chief shall not preclude the use of such evidence or testimony on rebuttal or response, or upon a showing satisfactory to the presiding officer that good cause existed for failure to serve testimony or a document or identify a witness by the time required. The presiding officer may require direct testimony to be in writing under oath and served by a certain date, and may exclude testimony not so served.

(b) At the first prehearing conference, or at another time before the beginning of the taking of oral testimony to be set by the presiding officer, the statement of basis and purpose, together with any publications or reference materials cited therein, except where excluded by stipulation, shall be received in evidence.

(c) The presiding officer may exclude evidence which is immaterial, irrelevant, unduly repetitious or cumulative, or would involve undue delay, or which, if hearsay, is not of the sort upon which responsible persons are accustomed to rely.

(d) If relevant and material evidence is contained in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter may be excluded.

(e) Whenever written testimony or a document or object is excluded from evidence by the presiding officer, it shall at the request of the proponent be marked for identification. Where oral testimony is permitted by the presiding officer, but the presiding officer excludes particular oral testimony, the party offering such testimony may make a brief offer of proof.

(f) Any relevant and material documentary evidence, including but not limited to affidavits, published articles, and official documents, regardless of the availability of the affiant or author for cross-examination, may be admitted in evidence, subject to the provisions of subsections (a), (c), and (d) of this section. The availability or nonavailability of cross-examination shall be considered as affecting the weight to be accorded such evidence in any decision based upon the record.

(g) Official notice may be taken by the presiding officer or the Administrator of any matter which could be judicially noticed in the United States District Courts, and of other facts within the specialized knowledge and experience of the Agency. Opposing parties shall be given adequate opportunity to show the contrary.

§ 104.10 Hearing Procedures.

(a) Following the admission in evidence of the materials described in § 104.9(b), the Agency shall have the right at the commencement of the hearing to supplement that evidence or to introduce additional relevant evidence. Thereafter the evidence of each objector shall be presented in support of its objection and any proposed modification. The Agency staff shall then be given an opportunity to rebut or respond to the objectors' presentation, including at its option the introduction of evidence which tends to support a standard or standards other than as set forth in the Agency's own initially proposed standards. In the event that evidence which tends to support such other standard or standards is offered and received in evidence, then the objectors may thereafter rebut or respond to any such new evidence.

(b) The burden of proof as to any modification of any standard proposed by the Agency shall be upon the party who advocates such modification to show that the proposed modification is justified based upon a preponderance of the evidence.

(c) Where necessary in order to prevent undue prolongation of the hearing, or to comply with time limitations set forth in the Act, the presiding officer may limit the number of witnesses who may testify, and the scope and extent of cross-examination.

(d) A verbatim transcript of the hearing shall be maintained and shall constitute a part of the record.

(e) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection. With respect to any ruling on evidence, it shall not be necessary for any party to claim an exception in order to preserve any right of subsequent review.

(f) Any party may at any time withdraw his objection to a proposed effluent standard.

§ 104.11 Briefs and Findings of Fact.

At the conclusion of the hearing, the presiding officer shall set a schedule for the submission by the parties of briefs and proposed findings of fact and conclusions. In establishing the aforesaid time schedule, the presiding officer shall consider the time constraints placed upon the parties and the Administrator by the statutory deadlines.

§ 104.12 Certification of Record.

As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk the transcript of the testimony and exhibits introduced in the hearing. The presiding officer shall attach to the original transcript his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify.

§ 104.13 Interlocutory and Post-hearing Review of Rulings of the Presiding Officer; Motions.

(a) The presiding officer may certify a ruling for interlocutory review by the Administrator where a party so requests and the presiding officer concludes that (1) the ruling from which review is sought involves an important question as to which there is substantial ground for difference of opinion, and (2) either (i) a subsequent reversal of his ruling would

be likely to result in substantial delay or expense if left to the conclusion of the proceedings, or (ii) a ruling on the question by the Administrator would be of material assistance in expediting the hearing. The certificate shall be in writing and shall specify the material relevant to the ruling certified. If the Administrator determines that interlocutory review is not warranted, he may decline to consider the ruling which has been certified.

(b) Where the presiding officer declines to certify a ruling the party who had requested certification may apply to the Administrator for interlocutory review, or the Administrator may on his own motion direct that any matter be submitted to him for review, subject to the standards for review set forth in paragraph (a) of this section. An application for review shall be in writing and shall briefly state the grounds relied on. If the Administrator takes no action with respect to such application for interlocutory review within 15 days of its filing, such application shill be deemed to have been denied.

(c) Unless otherwise ordered by the presiding officer or the Administrator, the hearing shall continue pending consideration by the Administrator of any ruling or request for interlocutory review.

(d) Unless otherwise ordered by the presiding officer or the Administrator, briefs in response to any application for interlocutory review may be filed by any party within five days of the filing of the application for review.

(e) Failure to request or obtain interlocutory review does not waive the rights of any party to complain of a ruling following completion of the hearing. Within five days following the close of a hearing under this Part, any party may apply to the Administrator for post-hearing review of any procedural ruling, or any ruling made by the presiding officer concerning the admission or exclusion of evidence to which timely objection was made. Within seven days following the filing of any such application any other party may file a brief in response thereto.

(f) If the Administrator on review under paragraph (e) of this section determines that evidence was improperly excluded, he may order its admission without remand for further proceedings, or may remand with such instructions as he deems appropriate concerning cross-examination, or opportunity for any party to submit further evidence, with respect to such evidence as he directs should be admitted. In making his determination whether to remand, the Administrator shall consider whether the statutory time restraints permit a remand, and whether it would be constructive to allow cross-examination or further evidence with respect to the newly admitted evidence. If evidence is admitted without cross-examination, the Administrator shall consider the lack of opportunity for cross-examination in determining the weight to be given such evidence.

(g) Motions shall be brief, in writing, and may be filed at any time following the publication of the proposed effluent standards, unless otherwise ordered by the presiding officer or the Administrator. Unless otherwise ordered or provided in these rules, responses to motions may be filed within seven days of the actual filing of the motion with the hearing clerk.

§ 104.14 Tentative and Final Decision by The Administrator.

(a) As soon as practicable following the certification of the record and the filing by the parties of briefs and proposed findings of fact and conclusions under § 104.11, the Administrator, with such staff assistance as he deems necessary and appropriate, shall review the entire record and prepare and file a tentative decision based thereon. The tentative decision shall include findings of fact and conclusions, and shall be filed with the hearing clerk who shall at once transmit a copy thereof to each party who participated at the hearing, or his attorney or other representative.

(b) Upon filing of the tentative decision, the Administrator may allow a reasonable time for the parties to file with him any exceptions to the tenative decision, a brief in support of such exceptions containing appropriate references to the record, and any proposed changes in the tentative decision. Such materials shall, upon submission, become part of the record. As soon as practicable after the filing thereof the Administrator shall prepare and file a final decision, copies of which shall be transmitted to the parties or their representatives in the manner prescribed in paragraph (a) of this section.

(c) In the event that the Administrator determines that due and timely execution of his functions, including compliance with time limitations established by law, imperatively and unavoidably so requires, he may omit the preparation and filing of the tentative decision and related procedures set forth in paragraph (b) of this section, and shall instead prepare and file a final decision, copies of which shall be transmitted to the parties or their representatives in the manner prescribed in paragraph (a) of this section.

(d) Any decision rendered by the Administrator pursuant to this Section shall include a statement of his findings and conclusions, and the reasons and basis therefor, and shall indicate the toxic pollutant effluent standard or standards which the Administrator is promulgating or intends to promulgate based thereon.

§ 104.15 Promulgation of Standards.

Upon consideration of the record, at the time of his final decision the Administrator shall determine whether the proposed effluent standard or standards should be promulgated as proposed, or whether any modification thereof is justified based upon a proponderance of the evidence adduced at the hearing, regardless of whether or not such modification was actually proposed by any objecting party. If he determines that a modification is not justified, he shall promulgate the standard or standards as proposed. If he determines that a modification is justified, he shall promulgate a standard or standards as so modified.

§ 104.16 Filing and Time.

(a) All documents or papers required or authorized by the foregoing provisions of this Part including, but not limited to, motions, applications for review, and briefs, shall be filed in duplicate with the hearing clerk, except as otherwise expressly provided in these rules. Any document or paper so required or authorized to be filed with the hearing clerk, if it is filed during the course of the hearing, shall be also filed with the presiding officer. A copy of each document or paper filed by any party with the presiding officer, with the hearing clerk, or with the Administrator shall be served upon all other parties, except to the extent that the list of parties to be so served may be modified by order of the presiding officer, and each such document or paper shall be accompanied by a certificate of such service.

(b) A party may be represented in any proceeding under this Part by an attorney or other authorized representative. When any document or paper is required under these rules to be served upon a party such service shall be made upon such attorney or other representative.

(c) Except where these rules or an order of the presiding officer require receipt of a document by a certain date, any document or paper required or authorized to be filed by this Part shall be deemed to be filed when postmarked, or in the case of papers delivered other than by mail, when received by the hearing clerk.

(d) Sundays and legal holidays shall be included in computing the time allowed for the filing of any document or paper, provided, that when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

[FR Doc.76-12386 Filed 4-28-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart AC—Grants To Assist Medical and Dental Schools in the District of Columbia

In the FEDERAL REGISTER of May 5, 1975 (40 FR 19482), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 of Title 42, Code of Federal Regulations, by adding thereto a new Subpart AC to implement the District of Columbia Medical and Dental Manpower Act of 1970, as amended (P.L. 91-650, 84 Stat. 1934, D.C. Code Sec. 31-921 et seq.). That Act authorizes the Secretary to award grants to the Mayor of the Dis-

trict of Columbia to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

Interested persons were afforded the opportunity to participate in the rulemaking through submission of comments on or before June 4, 1975. The following is a summary of the comments received and the response to such comments:

1. Several comments concerned the role of the Mayor in applying for grants on behalf of beneficiary schools and suggested a number of changes in proposed § 57.2803 and § 57.2804(a) which would limit the Mayor's role in the process by requiring the Mayor to submit applications for assistance within a specified time after receiving a formal request from eligible beneficiary schools. While under section 304 of the Act (P.L. 91–650, sec. 304; D.C. Code sec. 31–923) the Secretary has the authority to set dates for the submission of applications by the Mayor, the Secretary does not have the authority by regulation to mandate that such applications be submitted. The proposed changes therefore have not been made.

Such comment also suggested a number of other changes which would have resulted in payments being made directly to beneficiary schools rather than to the Mayor. Under section 307 of the Act (P.L. 91–650, sec. 307; D.C. Code sec. 31–926), it is the responsibility of the Mayor after determining that the requirements of section 308 of the Act are met to make payments to the beneficiary schools. Accordingly, the suggested changes have not been accepted.

2. Section 57.2804 of the proposed regulations ("Application") generated several comments with respect to the information which a request for assistance under this subpart must contain. One comment suggested specifying that in submitting information concerning operating costs and projected income a school be permitted to use such budget categories as it would ordinarily use for accounting purposes. It was the Department's intention that in compliance with § 57.2804(c)(2) of the proposed regulations schools would follow their own accepted format in providing budgetary information. However, § 57.2804(c) (2) and (3) of the final regulations have been revised to clarify this.

The same comment also suggested that the school submit the budgetary information at the beginning of the fiscal year in which the assistance is sought so that the schools can receive payments on a quarterly basis and forstall borrowing to meet recurring operating costs. The Department recognizes the need for the timely disbursement of funds under this authority. However, in order to comply with the statutory requirements for the making of grants, including determinations concerning the amount of funds to be made available and the existence of adequate fiscal control and accounting procedures, the entire application, including the budgetary information, must be submitted and approved before funds are made available. The suggestion therefore has not been adopted. The Department will seek to meet the concern expressed by the comment, however, by the solicitation of applications as early in the fiscal year as practicable.

One comment suggested deleting as unnecessary the requirements of proposed § 57.2804(c)(4) that a school requesting assistance under this program submit a budgetary statement for that portion of the fiscal year ending 60 days before the submission of the application. The Department has reconsidered the usefulness of such information and has decided, in agreement with the comment, to delete this requirement.

Another comment sought the deletion of § 57.2804(c)(5) of the proposed regulation requiring a school to submit a statement identifying by budget category those operating costs for which assistance is requested, the amount thereof, and the manner in which the school intends to utilize funds made available from an award under this subpart, on the ground that the statute authorizes financial assistance to meet all regular operating costs of the schools. The statute, however, clearly authorizes the Secretary to make grants to the Mayor on behalf of the schools "in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title" (P.L. 91–650, sec. 303; D.C. Code sec. 31–922). Such purposes are "to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia" (P.L. 91–650, sec. 302; D.C. Code sec. 31–921). Inasmuch as the statute requires the Secretary to make a determination as to the minimum amount of assistance necessary for each school under this program, the Secretary needs information from the schools concerning the operating costs for which the schools needs assistance. Therefore, the regulations will continue to require a statement identifying those operating costs for which assistance is requested and the amount thereof, although they will not require specification of the manner in which the school intends to use the funds made available under this program, since such funds are clearly to be used to meet identified operating costs. (See § 57.2804(c)(4) of the final regulations.)

Finally, § 57.2804 of the proposed regulations has been revised by adding a provision allowing a school to submit evidence of any operating costs necessary to maintain quality or to increase enrollment which are not included in its operating budget. (See § 57.2804(c)(5) of the final regulations.) The purpose of this provision is to enable a school which, due to its financial situation, has an operating budget providing for only the most critical needs of the school to request assistance for additional operating costs necessary to maintain quality educational programs or to increase enrollment. Information provided under this provision thus will be considered by the Secretary in determining the amount of assistance for the school.

3. One comment expressed the view that the purpose of the program is to meet the operating costs of the schools up to the maximum amount per student provided in the statutory formula and that, therefore, § 57.2806(a) of the proposed regulations, "Grant award," which provides for the amount of the grant to the Mayor to be based on the Secretary's estimate of the minimum aggregate sums necessary to carry out the purposes of each school's approved application, should be revised. As indicated above, however, the statute requires the Secretary to make such a determination in awarding grants under this subpart (P.L. 91–650, sec. 303; D.C. Code sec. 31–922), and therefore the requested revision has not been made.

4. Section 57.2807(b) of the proposed regulations provided that a beneficiary school could expend funds received under this program "for any purpose necessary to meet properly considered regular operating costs of the school the obligation for which is incurred in the fiscal year in which the grant is made which are required to maintain quality medical and dental educational programs and to increase the number of students in such school as a necessary health manpower service to the metropolitan area of the District of Columbia," except construction and student aid.

A comment pointed out, however, that student aid costs are an integral part of the operating costs of institutions and should be included as costs for which funds are available under the Act. Student aid costs were excluded from eligible expenditures in the proposed rulemaking on the basis of the decision that such costs should be paid from the existing programs of Federal assistance for student aid under Title VII of the Public Health Service Act. Having reconsidered this decision in light of the comment and the congressional intent that the support provided under this Act be in addition to sources of support under the Public Health Service Act, the restriction against the use of funds for student aid has been deleted.

5. With respect to § 57.2810(b) of the proposed regulations concerning the accountability of beneficiary schools for assistance payments, one comment suggested revising the provision to permit the schools to commingle assistance payments with other income available to them and to relieve the schools from having to account for such payments in separate accounting records. In accordance with the relevant provisions of Subpart B of 45 CFR Part 74, which are applicable to assistance made available under this

subpart by virtue of § 57.2811 of the proposed regulations, the Department does not require the physical segregation of such funds. It is therefore unnecessary to state in § 57.2810(b) that the schools may commingle such funds with other available funds. Regarding the accounting requirements of this provision, it is necessary for the schools to keep separate records of the assistance payments so that the Secretary can administer the program properly and determine whether such payments were expended in accordance with the statute and regulations. For this reason, the provision in question has not been revised.

6. One comment concerned § 57.2809 (b) of the proposed regulations which called attention to the requirements of Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex under any education program or activity receiving Federal financial assistance. Noting that under the regulations implementing Title IX which were published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24127), admission to professional programs offered at private undergraduate schools is exempt from coverage (45 CFR § 86.15 (d), the commenter suggested that § 57.2809 of the proposed regulations be amended to cover private undergraduate schools insofar as such schools are recipients of funds under the District of Columbia Medical and Dental Manpower Act of 1970. Such schools, however, are not eligible for support under the statute, since only private nonprofit medical and dental schools, as defined in § 57.2802 (e) and (f) of the proposed regulations, located in the District of Columbia are eligible for assistance. As institutions of professional education (see 45 CFR § 86.2(m)), such medical and dental schools are covered by the Title IX regulations. The commenter's proposal therefore has not been adopted.

In addition to the changes described above, the proposed regulations have been revised as follows:

1. Section 57.2806(b) of the proposed regulations has been revised to state explicitly the statutory requirement that in determining the amount of funds to be made available by the Mayor to each beneficiary school, the Secretary shall take into consideration any grants made to such school pursuant to the portion of the program under section 773 of the Public Health Service Act relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

2. In accordance with the Department's decision to make explicit in regulations for health manpower and nurse training programs the existing constitutional prohibition against Federal assistance for sectarian instruction or other religious activities, expressed for example in the Supreme Court opinion in Tilton v. Richardson, 403 U.S. 672 (1970), § 57.2807(b) of the proposed regulations has been revised to prohibit beneficiary schools from using funds made available under the District of Columbia Medical and Dental Manpower Act of 1970 for religious purposes. The Department previously has taken the approach of specifying that grant funds may not be used for religious activities in the regulations governing financial distress grants to schools of nursing under section 815 of the Public Health Service Act which were published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56664).

In addition, § 57.2809 of the proposed regulations, "Nondiscrimination," has been revised to include a provision prohibiting beneficiary schools from discriminating on the basis of religion in the admission of individuals to their training programs inasmuch as the Department considers such discriminatory practices to be contrary to the educational objectives of the program of assistance for medical and dental schools in the District of Columbia. The purpose of the program is to assist such schools in their critical financial needs in order that they may continue to provide quality medical and dental educational programs and thereby maintain a necessary health manpower resource for the Nation and the District of Columbia. Any medical or dental school which denies admission to qualified applicants for reasons unrelated to their qualification for the training involved, such as religion or creed, is less effective in meeting health manpower needs in that it arbitrarily excludes an element of the population which otherwise would be available to provide necessary medical and dental services. Moreover, the capacity of such a school will not be utilized to the extent it would be were its students freely selected from among those persons best qualified to pursue its training program. It is on this basis that the Department has decided to include provisions relating to religious nondiscrimination in regulations for health manpower and nurse training programs. (See regulations for financial distress grants to schools of nursing in the FEDERAL REGISTER of December 4, 1975 (40 FR 56664).)

3. Section 57.2807(b) of the proposed regulations provided that funds made available to a beneficiary school under this program would be available through December 31 of the fiscal year following the fiscal year in which the grant is made to the Mayor to liquidate obligations incurred by the beneficiary in accordance with the regulations. The Department recognizes, however, that in some instances a school may not be able to liquidate all of its properly incurred obligations by the date specified in the regulations due to circumstances beyond its control. For this reason § 57.2807(b) of the proposed regulations has been revised to provide that the Secretary may for good cause shown allow the beneficiary an additional period of time, not to exceed six months, in which to liquidate such obligations.

4. Several minor changes of an editorial or technical nature have also been made in the final regulations.

Accordingly, a new Subpart AC is added to Part 57 of Title 42, Code of Federal Regulations, and is adopted as set forth below.

Effective date: These regulations are effective upon April 29, 1976.

Dated: March 3, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

Subpart AC—Grants To Assist Medical and Dental Schools in the District of Columbia

Sec.

57.2801 Applicability.
57.2802 Definitions.
57.2803 Eligibility.
57.2804 Application.
57.2805 Determination of number of students.
57.2806 Grant award.
57.2807 Expenditure of grant funds.
57.2808 Grant payments.
57.2809 Nondiscrimination.
57.2810 Accountability.
57.2811 Applicability of 45 CFR Part 74.
57.2812 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 301, Pub. L. 91-650, as amended, 84 Stat. 1934 (D.C. Code sec. 31-921 et seq.).

Subpart AC—Grants To Assist Medical and Dental Schools in the District of Columbia

§ 57.2801 Applicability.

The regulations of this subpart are applicable to the award of grants to the Mayor of the District of Columbia under the District of Columbia Medical and Dental Manpower Act of 1970, as amended (Pub. L. 91-650, 84 Stat. 1934, D.C. Code sec. 31-921 et seq.), to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

§ 57.2802 Definitions.

As used in this subpart:

(a) "Act" means the District of Columbia Medical and Dental Manpower Act of 1970, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Mayor" means the Mayor (formerly referred to as the Commissioner) of the District of Columbia.

(d) "Grantee" means the Mayor (formerly referred to as the Commissioner) of the District of Columbia.

(e) "School of medicine" means a school in the District of Columbia which provides training leading to a degree of doctor of medicine or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(f) "School of dentistry" means a school in the District of Columbia which

provides training leading to a degree of doctor of dentistry or an equivalent degree and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(g) "School" means a school of medicine or school of dentistry as defined in paragraph (e) and (f) of this section.

(h) "Nonprofit" as applied to any school means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(i) "Full-time students" means students pursuing a full-time course of study, as determined by the school, in an accredited school of medicine or school of dentistry, leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(j) "Fiscal year" means the Federal fiscal year beginning July 1 and ending the following June 30.

(k) "Construction" means the construction of new buildings or the expansion or acquisition of existing buildings (including related costs such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings).

§ 57.2803 Eligibility.

The Mayor may apply for a grant under this subpart on behalf of schools of medicine and dentistry, as defined in paragraphs (e) and (f) of § 57.2802, with operating income insufficient to meet their cost of operation required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

§ 57.2804 Application.

(a) An application for a grant under this subpart may be submitted to the Secretary by the Mayor at such time and in such form and manner as the Secretary may require.[1]

(b) The application shall be executed by the Mayor or by an individual authorized to act for the Mayor and to assume on his behalf the obligations imposed upon the Mayor by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to such other pertinent information as the Secretary may require, the application submitted by the Mayor shall contain or be supported by requests for assistance from each proposed beneficiary school each of which request shall be executed by an individual authorized to act for the school and to assume on its behalf the obligations imposed upon beneficiary schools by the terms and conditions of any award, including the regulations of this subpart. Such requests for assistance shall contain the following information in addition to such information as the Mayor may require in carrying out his responsibilities under this Act:

(1) A detailed description of the school's financial need to meet the operational costs (i) to maintain a quality medical or dental educational program and (ii) to increase the number of students in the school as a necessary health manpower service to the metropolitan area of the District of Columbia;

(2) The operating budget of the school, as approved by the Board of Trustees or other officials of the school responsible for approving such budget and arranged according to the budget categories currently in use by such school, for the fiscal year in which the assistance is sought;

(3) A statement, arranged according to the budget categories currently in use by the school, identifying by source (Federal and non-Federal) the projected total income of the school for the fiscal year in which the assistance is sought;

(4) A statement identifying by the budget categories currently in use by the school those operating costs for which assistance is requested and the amount thereof.

(5) A statement identifying the operational costs, if any, required to maintain a quality medical or dental educational program and to increase the number of students in the school as a necessary health manpower service to the metropolitan area of the District of Columbia, which are not included in the operating budget of the school as described in paragraph (c)(2) of this section and for which such school desires assistance.

(d) Such application may contain comments or recommendations from the Mayor on each school's request for assistance, particularly requests to meet operational costs to increase the number of students in the school as a necessary health manpower service to the metropolitan area of the District of Columbia.

§ 57.2805 Determination of number of students.

For purposes of this subpart, the number of full-time students enrolled in a school for any year shall be the number of full-time students enrolled in such school on October 15 of the fiscal year in which the grant is sought.

§ 57.2806 Grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award a grant to the Mayor on the basis of the Secretary's estimate of the minimum aggregate sums necessary to carry out the purposes of each beneficiary school's application for assistance as approved by the Secretary: *Provided*, That the amount of such grant shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in schools of medicine and (2) the product of $3,000 times the number of students in schools of dentistry.

(b) A grant awarded to the Mayor under this subpart shall be in writing, shall set forth the aggregate amount of funds granted, and the amount determined by the Secretary to be made available by the Mayor to each beneficiary school, such determination to be made by the Secretary on the basis of his estimate of the minimum amount necessary to carry out the purposes of the beneficiary's application as approved by the Secretary, and taking into consideration (1) any grants made to such beneficiary pursuant to the portion of the program under section 773 of the Public Health Service Act relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation, and (2) any comments or recommendations made by the Mayor: *Provided*, That the amount of assistance to be made available to any beneficiary school under this subpart shall not exceed (1) in the case of a school of medicine, the product of $5,000 times the number of full-time students enrolled therein; or (2) in the case of a school of dentistry, the product of $3,000 times the number of full-time students enrolled therein.

(c) In addition to such other terms and conditions as the Secretary determines to be reasonable and necessary to carry out the purposes of the grant, a grant made under this subpart shall be subject to the following requirements: (1) That the Mayor agree to provide access to such records as the Secretary may from time to time require in carrying out his functions under this subpart, and (2) that the beneficiary schools agree to provide for such fiscal control, accounting procedures, reports and access to records as the Secretary may from time to time require in carrying out his functions under this subpart.

§ 57.2807 Expenditure of grant funds.

(a) *Grantee.* Grant funds awarded to the Mayor under this subpart may be expended by the Mayor solely for making assistance payments to beneficiary schools in accordance with the determination of the Secretary pursuant to this subpart. The grant award will set forth the period for which such funds will be available for such payment by the grantee.

(b) *Beneficiary schools.* Assistance made available to a beneficiary school from grant funds awarded under this subpart may be expended by such school in accordance with the applicable provisions of the Act, the regulations of this subpart and the applicable terms and conditions of any grant award, for any purpose necessary to meet properly considered regular operating costs of the school the obligation for which is incurred in the fiscal year in which the grant is made which are required to maintain quality medical and dental educational programs and to increase the number of students in such school as a necessary health manpower service to the metropolitan area of the District of Columbia: *Provided*, That such funds shall not be expended for construction;

[1] Applications and instructions may be obtained from the Office of Program Operations, Bureau of Health Manpower, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 4C-02, Bethesda, Maryland 20014.

and, *Provided, further,* That such funds shall not be expended for sectarian instruction or for any religious purpose. Such funds will be available through December 31 of the fiscal year following the fiscal year in which the grant is made to the Mayor to liquidate obligations incurred by the beneficiary in accordance with the preceding sentence. The Secretary may for good cause shown provide the beneficiary an additional period of time, not to exceed 6 months, in which to liquidate such obligations.

§ 57.2808 Grant payments.

The Secretary shall from time to time make payments to the grantee of all or such portion of any grant award as is necessary for the grantee to make payments to beneficiary schools in accordance with section 309 of the Act (D.C. Code sec. 31–928).

§ 57.2809 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(c) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) No beneficiary school shall discriminate on the basis of religion in the admission of individuals to its training programs.

(e) Grant funds used for alteration or renovation shall be subject to the condition that the beneficiary school shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.2810 Accountability.

(a) *Grantee.*—(1) *Accounting for grant award payments.* All payments made to the grantee by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. The grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(2) *Grant closeout*—(i) *Date of final accounting.* The grantee shall render, with respect to each grant, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(ii) *Final settlement.* There shall be payable to the Federal government as final settlement with respect to each grant the total sum of:

(A) Any amount not accounted for pursuant to subparagraph (1) of this paragraph; and

(B) Any other amounts due pursuant to applicable provisions of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

(b) *Beneficiary schools.*—(1) *Accounting for assistance payments.* All payments made to beneficiary schools by the Mayor shall be recorded by the beneficiary school in accounting records separate from the records of all other funds. With respect to each approved application for assistance, the beneficiary shall account for the total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(2) *Assistance closeout*—(i) *Date of final accounting.* A beneficiary shall render, with respect to each approved application for assistance, a full account, as provided herein, as of the date of termination of such support. The Secretary may require other special and periodic accounting. (ii) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to any approved application the total sum of:

(A) Any amount not accounted for pursuant to subparagraph (1) of this paragraph; and

(B) Any other amounts due pursuant to Subparts F and M of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the beneficiary school to the Federal government and shall be recovered from the beneficiary school or its successors or assigns by setoff or other action as provided by law.

§ 57.2811 Applicability of 45 CFR Part 74.

(a) *Grantee.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded pursuant to this subpart.

(b) *Beneficiary schools.* The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to assistance made available from grants awarded pursuant to this subpart.

SUBPART

A General
B Cash depositories
C Bonding and Insurance
D Retention and Custodial Requirements for Records
F Grant-related Income
L Budget Revision Procedures
M Grant Closeout, Suspension and Termination

§ 57.2812 Additional conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc.76–12475 Filed 4–28–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

PART 2650—ALASKA NATIVE SELECTIONS

Correction

In FR Doc. 76–9868 appearing at page 14734 in the issue for Wednesday, April 7, 1976, the following corrections should be made:

A. On page 14737:

1. In the first column, the signature should read: "Thomas S. Kleppe, Secretary of the Interior."

2. In the first column, the twenty-fourth line of § 2650.7(d), the word "situation" should read "situated".

3. In the first column, the thirty-second line of § 2650.7(d), the word "stat" should read "state".

4. In the third column, the tenth line of § 2653.3(a), the word "Refugee" should read "Refuge".

B. On page 14739, in the first column, the tenth line of § 2653.5(k) which reads "served on the applicant and all parties of" should read: "§ 2653.5(b) are raised by the reports of".

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–032]

"B" Class Bulkheads

A notice of proposed rulemaking that proposed the deletion of the words "and smoke" from the definitions of "B" class bulkheads in the rules for the construction of tank vessels, cargo and miscellaneous vessels, and oceanographic vessels was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59219). Interested persons were invited to submit written comments before Feb-

ruary 5, 1976. One comment was received. The comment was favorable and recommended adoption of the proposal.

In consideration of the foregoing, Parts 32, 92, and 190 of Title 46, Code of Federal Regulations are amended as follows:

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

1. In § 32.57–5(c), delete the words "and smoke" from the second sentence.

PART 92—CONSTRUCTION AND ARRANGEMENT

2. In § 92.07–5(c), delete the words "and smoke" from the second sentence.

PART 190—CONSTRUCTION AND ARRANGEMENT

3. In § 190.07–5(c), delete the words "and smoke" from the second sentence.

(46 U.S.C. 375, 391a, and 416; 49 U.S.C. 1655(b); and 49 CFR 1.4(b) and 1.46)

Effective date: May 31, 1976.

Dated: April 15, 1976.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.76–12115 Filed 4–28–76;8:45 am]

[CGD 75–105]

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

Vessels of Not More Than 5000 Gross Tons, Used in Processing and Assembling of Fishery Products Having on Board Inflammable or Combustible Cargoes in Bulk

On December 22, 1975, the Coast Guard published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 59219) proposing amendments to the regulations for commercial fishing vessels dispensing petroleum products in 46 CFR Part 105. The amendments concern the inclusion under these regulations of vessels of not more than 5000 gross tons, used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, if they have on board inflammable or combustible cargo in bulk. Interested persons were given the opportunity to submit, not later than February 4, 1976, data, views, and recommendations regarding these proposed rules.

No comments have been received and the proposed rules are adopted without change and are set forth below.

Effective date. These amendments become effective on May 31, 1976.

Dated: April 15, 1976.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

1. Section 105.01–1 is revised to read as follows:

§ 105.01–1 Purpose.

The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of inflammable or combustible cargo in bulk on board certain commercial fishing vessels and tenders, as authorized by 46 U.S.C. 391a (Tanker Act; R.S. 4417a), as amended by section 4 of Pub. L. 90–397 (approved July 11, 1968, 82 Stat. 341) and section 6(3) of Pub. L. 93–430 (approved October 1, 1974, 88 Stat. 1183). The regulations in this part set forth minimum requirements for two categories of commercial fishing vessels and tenders which have on board inflammable or combustible cargo in bulk.

2. Section 105.01–5 is revised to read as follows:

§ 105.01–5 Intent of Pub. L. 90–397 (approved July 11, 1968, 82 Stat. 341) and Pub. L. 93–430 (approved October 1, 1974, 88 Stat. 1180).

(a) Pub. L. 90–397 allowed cannery tenders, fishing tenders, and fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry, to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(b) Pub. L. 93–430 allowed vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

3. Section 105.01–10 is amended by revising paragraph (a) to read as follows:

§ 105.01–10 Effective date of regulations.

(a) Amendments, revisions, or additions to the regulations in this part will become effective 90 days after the date of publication in the FEDERAL REGISTER, unless the Commandant directs otherwise.

* * * * *

§ 105.05–1 [Amended]

4. Section 105.05–1 is amended by:

a. In paragraph (a), inserting the words "and all vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after May 31, 1976" between the numerals "1969" and the word "which."

b. In paragraph (b), inserting the words "and all vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to May 31, 1976" between the numerals "1969" and the word "which."

5. Section 105.05–3 is amended by revising it to read as follows:

§ 105.05–3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, the term "new vessels" means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for on or after December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after May 31, 1976.

(b) *Existing vessels.* In the application of the regulations in this part, the term "existing vessels" means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for prior to December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to May 31, 1976.

6. Section 105.05–5 is revised to read as follows:

§ 105.05–5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part apply are self-propelled manned vessels with one of the following:

(1) Permanently installed dispensing tanks or containers on open decks.

(2) Permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Temporary dispensing tanks or containers installed on open decks.

7. Section 105.10–25 is amended by revising it to read as follows:

§ 105.10–25 Commercial fishing vessel.

(a) The term "commercial fishing vessel" includes fishing vessels, cannery tenders, fishing tender vessels, and vessels processing or assembling fishery products.

8. Section 105.90–1 is amended by: revising the section heading and revising the introductory portion of paragraph (b) to read as follows:

§ 105.90–1 Existing commercial fishing vessels dispensing petroleum products.

* * * * *

(b) Existing vessels must meet the following requirements:

(1) * * *

* * * * *

(88 Stat. 1183 (46 U.S.C. 391a); 49 CFR 1.46(o)(4))

[FR Doc.76–12116 Filed 4–28–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-356]

PART 1—PRACTICE AND PROCEDURE

Computation of Time [1]

In the Matter of amendment of § 1.4 rules and regulations.

1. Our purpose herein is to clarify Section 1.4(b) of the Rules, which governs the computation of periods of time which begin with an action taken by the Commission, by an Administrative Law Judge, or by members of the Commission or its staff pursuant to delegated authority. Section 1.4(b), as amended, is set out below. It ties the computation of time to the day on which public notice of the action is given and defines the term "public notice". The amended rule provides specifically—

(1) For rule making documents, the date of public notice is the date of publication in the FEDERAL REGISTER;

(2) For other documents "released" by the Commission (made available to the press and the public), the date of public notice is the date on which the full text of the document is released;

(3) If the full text of an action document is not released but a "Public Notice" describing the action is released, the date of public notice is the date on which the descriptive "Public Notice" is released; and

(4) If a document is neither published in the FEDERAL REGISTER nor released, and if a descriptive "Public Notice" is not released, the date of public notice is the date on which the document is sent to persons affected by the action.

2. Authority for this amendment is contained in Sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, it is ordered, effective May 5, 1976, that Section 1.4(b) of the Rules and Regulations is amended as set forth in the Appendix hereto.

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

Adopted: April 20, 1976.

Released: April 26, 1976.

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

Section 1.4(b) is revised to read as follows:

§ 1.4 Computation of time.

* * * * *

(b) Except as otherwise provided by law, the first day to be counted when a period of time begins with an action taken by the Commission, an Administrative Law Judge, or by members of the Commission or its staff pursuant to delegated authority is the day after the day on which public notice of that action is given. Usually, such actions take the form of a document. The day on which public notice of the adoption of a document is given is determined as follows:

(1) For rule making documents, the date of public notice is the date of publication in the FEDERAL REGISTER.

(2) For other documents released by the Commission (whether or not published in the FEDERAL REGISTER) the date of public notice is the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document.

NOTE: Radio station authorizations in the Public Safety, Industrial, and Land Transportation Radio Services are released in the Safety and Special Radio Service Bureau's Public Reference Room rather than in the Information Office. Only the date the authorization was granted appears on the face of the document; the release date is the next business day.

(3) If the full text of an action document is not released by the Commission but a "Public Notice" describing the action is released, the date of public notice is the date on which the descriptive "Public Notice" is released.

NOTE: In most instances, for example, the full text of licenses is not released. The license document is available for inspection, and a "Public Notice" of the grant is released.

(4) If a document is neither published in the FEDERAL REGISTER nor released, and if a descriptive "Public Notice" is not released, the date of public notice is the date on which the document is sent (i.e., mailed, telegraphed, etc.) to persons affected by the action.

* * * * *

[FR Doc.76-12469 Filed 4-28-76;8:45 am]

[1] By the Commission: Commissioner Washburn absent.

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 16; Amdt. 99-9]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Deletion of Exemption for De Minimis Conflicts of Interest

Department of Transportation regulations which implement Section 208 of Title 18 of the United States Code, governing conflict of interest, currently provide that "(a) n employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities. In any case in which such a question of financial interest arises the procedures set forth in § 99.735-15 apply." 49 CFR 99.735-13. § 99.735-15 requires that the employee notify a responsible official of any financial interest raising a potential conflict and provides procedures for eliminating the possibility of conflict. Section 99.735-15(i) exempts certain financial interests enumerated in Appendix A of Part 99 and among those exempted is "(2) ownership of stock and of corporate bonds or other corporate securities, if the current aggregate market value of the stock and other securities so owned in any single corporation is less than $5,000 and is less than 1 percent of the outstanding stock of the organization concerned, and if the employee, his spouse, or minor children are not active in the management of the organization and have no other connection or interest with it." 49 CFR Part 99, Appendix A, section I(a)(2).

The General Counsel has examined this exemption and concluded that it creates an unreasonable risk of conflict or the appearance of conflict between an employee's financial interests and his or her duty to serve the public interest. Appendix A is therefore amended to eliminate this exemption. From the effective date of this amendment, all possible conflicts arising from ownership of financial interests which would have been exempt under section I(a)(2) will be handled in accordance with the procedures in section 99.735-15 and other provisions of Part 99, as applicable.

Employees currently owning stock or securities which are exempt under section I(a)(2) of Appendix A might be financially prejudiced if forced to divest themselves of such stock or securities immediately. Accordingly, this amendment will not be applied to stock or securities owned on the effective date of this amendment by current employees of the Department until May 1, 1977. The amendment will, however, be applied to new employees and to new acquisitions by current employees.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective on or before June 1, 1976.

In consideration of the foregoing, Appendix A to Part 99 of Title 49 of the Code of Federal Regulations is amended by revoking sections I(a)(2), I(b), and II, and redesignating paragraph I(a)(3) as I(a)(2).

Effective date: This amendment is effective May 1, 1976.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); E.O. 11222, 3 CFR (1964-65 Comp.) 306)

Issued in Washington, D.C., on April 23, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-12531 Filed 4-28-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Amendment No. 3 to Service Order No. 1204]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

APRIL 26, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service

Board, held in Washington, D.C., on the 23rd day of April 1976.

Upon further consideration of Service Order No. 1204 (39 FR 4401 and 40 FR 27940, 50537), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1204 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1204 Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized to operate over tracks of Chicago and North Western Transportation Company.

* * * * *

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

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1976.

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

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

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-12519 Filed 4-28-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

APRIL 23, 1976.

Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1971–1977), authorizes, among other things, the Secretary of Commerce to from time-to-time establish by regulation fees which shall be paid by the owners of vessels entering into Guarantee Agreements under section 7 of the Act. These fees are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of section 7 of the Act. Section 7 of the Act guarantees to the owners of vessels entering into Guarantee Agreements payment of certain costs and losses resulting from the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience.

The fees established for the agreement year ending June 30, 1976, provided that for vessels over 500 gross tons the fee be $60 plus $5.00 per gross ton. The full $60 plus $5.00 per-gross-ton fee for vessels over 500 gross tons was due on July 1, 1975, but was made payable in two installments. The first installment, payable initially, was $60 plus $2.50 per gross ton. The second installment was $2.50 per gross ton and was to be payable on May 1, 1976. It was further provided that if either (1) actual seizure experience during the period from July 1, 1975, through about April 15, 1976, disclosed that claims for such seizures under section 7 did not warrant the full $60 plus $5.00 per-gross-ton fee for vessels over 500 gross tons or (2) the Fishermen's Guarantee Fund was reimbursed under section 5 of the Act prior to the date the second installment was to be payable, then such fee would be subject to reduction. Any reduction in such fee would be calculated prior to the date the second installment of $2.50 per gross ton was to be payable.

The purpose of this amendment is to effect such a reduction in the fee for the fiscal year ending June 30, 1976. This fee adjustment is warranted since there have been no known seizures during the fiscal year to date. Accordingly, the fee will be reduced to $60 plus $2.50 per-gross-ton for vessels over 500 gross tons for the agreement year ending June 30, 1976.

This amendment relates to matters which are exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553). This amendment is hereby adopted and will become effective on April 29, 1976.

Section 258.5 of Fishermen's Protective Act Procedures (50 CFR Part 258) is hereby amended by revising § 258.-5(b) as follows:

§ 258.5 Fees.

* * * * *

(b) Fees to be paid by applicants for, or holders of, Guarantee Agreements executed (by amendment or otherwise) for the period terminating June 30, 1976, shall be as follows; for vessels 500 gross tons or under, $60 plus $1.80 per gross ton; for vessels over 500 gross tons, $60 plus $2.50 per gross ton. All tonnage shall be as listed on each vessel's document. Fractions of a ton shall not be included.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Date: July 25, 1975.

ROBERT M. WHITE, *Administrator.*

[FR Doc.76-12397 Filed 4-28-76;8:45 am]

Title 7—Agriculture

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

[Navel Orange Regulation 378]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 30–May 6, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.678 Navel Orange Regulation 378.

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

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further re-

ports that the fresh market demand for Navel oranges continues soft. Prices f.o.b. averaged $3.12 a carton on a reported sales volume of 1,132 carlots last week, compared with an average f.o.b. price of $3.11 per carton and sales of 1,336 carlots a week earlier. Track and rolling supplies at 630 cars were down 44 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 27, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 30, 1976, through May 6, 1976, are hereby fixed as follows:

(i) District 1: 984,000 cartons;

(ii) District 2: 216,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 28, 1976.

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

[FR Doc.76-12726 Filed 4-28-76;11:28 am]

Title 24—Housing and Urban Development

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

[Docket No. FI-1073]

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
*	*	*	*	*	*	*
Arkansas	Lafayette	Bradley, city of	H 050114A 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, City Hall, Bradley, Ark. 71826.	Mar. 29, 1974. Apr. 16, 1976.
California	Orange	Anaheim, city of	H 060213A 01 through H 060213A 17	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Planning Supervisor, City of Anaheim, Planning Services Department, P.O. Box 3222, Anaheim, Calif. 92803.	July 26, 1974. Apr. 16, 1976.
Do	Siskiyou	Fort Jones, city of	H 060365A 01	do	Mayor, City Hall, Fort Jones, Calif. 96032.	Apr. 5, 1974.
Do	Sonoma	Healdsburg, city of.	H 060378A 01 through H 060378A 02	do	Mayor, City Hall, 126 Matheson St., Healdsburg, Calif. 95448.	Mar. 1, 1974. Apr. 16, 1976.
Do	Los Angeles	La Verne, city of	H 060133B 01 through H 060133B 03	do	Public Services Coordinator, City Hall, 2061 3d St., La Verne, Calif. 91750.	June 14, 1974. Jan. 17, 1975. Apr. 16, 1976.
Do	Placer	Rocklin, city of	H 060242A 01 through H 060242A 03	do	Mayor, 3980 Rocklin Rd., Rocklin, Calif. 95677.	July 19, 1974. Apr. 16, 1976.
Georgia	Union	Blairsville, city of	H 130179 01 through H 130179 02	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, P.O. Box 307, Blairsville, Ga. 30512.	June 11, 1976.
Do	Fannin	Blue Ridge, city of.	H 130445 01 through H 130445 04	do	Mayor, P.O. Box 396, Blue Ridge, Ga. 30513.	Do.
Do	Towns	Hiawassee, city of.	H 130447 01 through H 130447 06	do	Mayor, Lakeside Dr., Hiawassee, Ga. 30546.	Do.
Do	Cobb	Kennesaw, city of.	H 130055A 01 through H 130055A 02	do	Mayor, P.O. Box 418, Kennesaw, Ga. 30144.	June 14, 1974.
Do	Screven	Newington, town of.	H 130161A 01	do	Mayor, P.O. Box 268, Newington, Ga. 30446.	Sept. 6, 1974.
Do	Coweta and Fulton.	Palmetto, city of	H 130239A 01	do	Mayor, 549 Main St., Palmetto, Ga. 30268.	June 1, 1974.
Do	De Kalb	Pine Lake, town of.	H 130070A 01	do	Mayor, P.O. Box 311, Pine Lake, Ga. 30072.	Apr. 12, 1974.
Do	Randolph	Shellman, city of	H 130382 01 through H 130382 03	do	Mayor, P.O. Box 37, Shellman, Ga. 31786.	June 11, 1976.
Do	White	Unincorporated areas.	H 130191 01 through H 130191 18	do	Chairman, P.O. Box 185, Cleveland, Ga. 30528.	Do.
Idaho	Minidoka and Cassia.	Burley, city of	H 160043A 01 through H 160043A 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, State House, Boise, Idaho 83707.	Mayor, 1401 Overland Ave., Burley, Idaho 83318.	May 24, 1974. Apr. 16, 1976.
Do	Jerome	Jerome, city of	H 160074A 01	do	Mayor, City Hall, 152 East Ave. A, Jerome, Idaho 83338.	May 17, 1974. Apr. 16, 1976.
Illinois	Fulton	Avon, village of	H 170742A 01	Illinois Department of Transportation, Division of Water Resources, 300 North State, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Village Hall, Avon, Ill. 61415.	Oct. 18, 1974. Apr. 16, 1976.
Do	McDonough	Bardolph, village of.	H 170470A 01	do	Village President, Box 46, Village Hall, Bardolkh, Ill. 61416.	Sept. 13, 1974.
Do	Mason	Bath, village of	H 170464A 01	do	Village President, Village Hall, Bath, Ill. 62617.	Dec. 17, 1973.
Do	Cass	Beardstown, city of.	H 170022A 01 through H 170022A 02	do	Mayor, City Hall, 101 West 15th St., Beardstown, Ill. 62618.	Mar. 15, 1974.
Do	Kankakee	Bradley, village of	H 170338A 01	do	Village President, 147 South Michigan Ave., Bradley, Ill. 60915.	Mar. 1, 1974. Apr. 16, 1976.
Do	Rock Island	Carbon Cliff, village of.	H 170584A 01	do	Village President, 106 1st Ave., Carbon Cliff, Ill. 61239.	Apr. 12, 1974. Apr. 16, 1976.
Do	Clinton and Marion.	Centralia, city of.	H 170453A 01 through H 170453A 04	do	Mayor, 222 South Poplar St., Centralia, Ill. 62801.	May 3, 1974. Apr. 16, 1976.
Do	Iroquois	Gilman, city of	H 170293A 01	do	Mayor, City Hall, Gilman, Ill. 60938.	June 7, 1974. Apr. 16, 1976.
Do	Jackson	Murphysboro, city of.	H 170302A 01 through H 170302A 03	do	Mayor, City Hall, 202 North 11th St., Murphysboro, Ill. 62966.	Apr. 12, 1974. Apr. 16, 1976.
Do	Jefferson	Nason, city of	H 170309A	do	Village President, Village Hall, Nason, Ill. 62866.	Aug. 16, 1974.
Do	Cook	Norridge, village of.	H 170131A 01	do	Village President, 4020 North Olcott Ave., Norridge, Ill. 60634.	Aug. 9, 1974. Apr. 16, 1976.
Do	Gallatin	Old Shawneetown, village of.	H 170247A 01	do	Village President, Village Hall, Old Shawneetown, Ill. 62984.	Dec. 17, 1973.
Do	Stephenson	Ridott, village of	H 170643A 01	do	Village President, Box 16, Ridott, Ill. 61065.	Do.
Do	McHenry	Sunnyside, village of.	H 170486A 01	do	Village President, 1318 Bayview, Sunnyside, Ill. 60050.	Aug. 30, 1974. Apr. 16, 1976.
Do	Macoupin	Virden, city of	H 170435B 01	do	Mayor, City Hall, Virden, Ill. 62690.	June 28, 1974. Nov. 21, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Indiana	Rush	Carthage, town of	H 180222A 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.	Chairman, Box 296, Carthage, Ind. 46115.	Nov. 23, 1973. Apr. 16, 1976.
Do	Wayne	Fountain City, town of.	H 180282A 01	do	President of the Town Board, 312 West Main St., Fountain City, Ind. 47341	May 10, 1974. Apr. 16, 1976.
Do	Washington	Fredericksburg, town of.	H 180277A 01	do	Town Board President, Town Hall, Fredericksburg, Ind. 47120.	Dec. 17, 1973. Apr. 16, 1976.
Iowa	Scott	Bettendorf, city of.	H 190240B 01 through H 190240B 09	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Planning Director, 1609 State St., Bettendorf, Iowa 52722.	Feb. 1, 1974. Aug. 15, 1975. Apr. 16, 1976.
Do	Woodbury	Danbury, city of	H 190290A 01	do	Mayor, City Hall, Danbury, Iowa 51019.	Jan. 9, 1974. Apr. 16, 1976.
Do	Black Hawk	Elk Run Heights, city of.	H 190019A 01 through H 190019A 02	do	City Clerk, City of Elk Run Heights, 300 Marie St., Waterloo, Iowa 50707.	Jan. 16, 1974. Apr. 16, 1976.
Do	Chickasaw	Nashua, city of	H 190068A 01	do	Mayor, City Hall, Nashua, Iowa 50658.	May 24, 1974. Apr. 16, 1976.
Kansas	Cloud	Concordia, city of.	H 200060A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, State House, Topeka, Kans. 66612.	Mayor, 6th and Lincoln, City Hall, Concordia, Kansas. 66901.	Dec. 28, 1973. Apr. 16, 1976.
Do	Miami	Louisburg, city of.	H 200222A 01 through H 200222A 2	do	Mayor, City Hall, Louisburg, Kans. 66053.	Mar. 1, 1974. Apr. 16, 1976.
Do	Linn	Mound City, city of.	H 200197B 01	do	City Clerk, City Hall, Mound City, Kans. 66056.	Mar. 1, 1974. Nov. 21, 1975. Apr. 16, 1976.
Do	Chase	Strong City, city of	H 200043A 01	do	Mayor, City Hall, Strong City, Kans. 66689.	Aug. 16, 1974. Apr. 16, 1976.
Do	Doniphan	Troy, city of	H 200084A 01	do	City Attorney, City Hall, Troy, Kans. 66087.	Feb. 15, 1974. Apr. 16, 1976.
Kentucky	Hardin	Elizabethtown, city of.	H 210095A 01 through H 210095A 11	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, P.O. Box 550, Elizabethtown, Ky. 42701.	Aug. 23, 1974. Apr. 16, 1976.
Do	Carroll	Sanders, town of	H 210048A 01	do	Mayor, Town Hall, Sanders, Ky. 41085.	Jan. 23, 1974.
Louisiana	West Carroll	Kilbourne, village of.	H 220298 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Commissioner, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Kilbourne, La. 71253.	June 11, 1976.
Do	Rapides	Pineville, city of	H 220151A 01 through H 220151A 04	do	Mayor, City Hall, Pineville, La. 71360.	Dec. 28, 1973. Apr. 16, 1976.
Do	St. Tammany	Sun, village of	H 220295A 01	do	Mayor, Town Hall, Sun, La. 70463	Aug. 30, 1974. Apr. 16, 1976.
Do	La Salle	Tullos, town of	H 220350 01	do	Mayor, Town Hall, Tullos, La. 71479.	June 11, 1976.
Maine	Kennebec	Hallowell, city of	H 230069A 01 through H 230069A 04	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	City Manager, City Hall, 1 Winthrop Rd., Hallowell, Maine 04347.	Feb. 1, 1974. Apr. 16, 1976.
Maryland	Worcester	Pocomoke City, city of.	H 240084B 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, City Hall, Pocomoke City, Md. 21851.	Apr. 5, 1974. Dec. 12, 1975.
Michigan	Dickinson	Kingsford, city of	H 260064A 01 through H 260064A 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 305 South Carpenter Ave., Kingsford, Mich. 49801.	May 24, 1974. Apr. 16, 1976.
Minnesota	Polk	Fisher, city of	H 270366A 01	Division of Waters, Soils and Minerals, Minnesota Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55155. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, 55101.	Mayor, P.O. Box 115, Fisher, Minn. 56723.	Aug. 2, 1974.
Do	Mille Lacs	Foreston, city of	H 270287A 01	do	Mayor, Box 12, Foreston, Minn. 56330.	Aug. 2, 1974 Apr. 16, 1976.
Do	Freeborn	Glenville, city of	H 270137A 01	do	Mayor, City Hall, Glenville, Minn. 56036.	Mar. 8, 1974. Apr. 16, 1976.
Do	Hennepin	Greenfield, city of	H 270673A 01 through H 270673A 08	do	Mayor, City of Greenfield, City Hall, Loretto, Minn. 55357.	Dec. 7, 1973. Apr. 16, 1976.
Do	Sibley	Henderson, city of.	H 270440A 01	do	Mayor, City Hall, Henderson, Minn. 56044.	May 24, 1974. Apr. 16, 1976.
Do	Scott	Jordan, city of	H 270430A 01 through H 270430A 02	do	Mayor, City Hall, 116 East 2d St., Jordan, Minn. 55352.	Mar. 8, 1974. Apr. 16, 1976.
Do	Anoka	Lexington, city of	H 270014A 01	do	Mayor, Highway 8, Restwood, Lexington, Minn. 55112.	Mar. 29, 1974.
Do	Hennepin	Long Lake, city of.	H 270168A 01	do	Mayor, City Hall, Long Lake, Minn. 55356.	June 7, 1974. Apr. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Carver	Mayer, city of	H 270053A 01	do	Mayor, City Hall, Mayer, Minn. 55360	Nov. 23, 1973.
Do.	Dakota	Mendota Heights, city of.	H 270110A 01 through H 270110A 05	do	Mayor, 750 South Plaza Dr., Mendota Heights, Minn. 55120.	Do. Apr. 16, 1976.
Do.	Carlton	Moose Lake, city of.	H 270045A 01 through H 270045A 03	do	Mayor, City Hall, 205 Elm Ave., Moose Lake, Minn. 55767.	May 17, 1974. Apr. 16, 1976.
Do.	Ramsey	New Brighton, city of.	H 270380A 01 through H 270380A 03	do	Mayor, City Hall, 803 5th Ave., New Brighton, Minn. 55113.	May 31, 1974.
Do.	Washington	Oak Park Heights, city of.	H 270512A 01 through H 270512A 02	do	Mayor, 6141 Panama Ave., North Stillwater, Minn. 55082.	Mar. 22, 1974. Apr. 16, 1976.
Missouri	New Madrid	Canalou, city of	H 290248 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson, Mo. 65101.	Mayor, City Hall, Canalou, Mo. 63828	June 11, 1976.
Do.	Livingston	Chillicothe, city of.	H 290216A 01 through H 290216A 02	do	Mayor, City Hall, Chillicothe, Mo. 64601.	Jan. 9, 1974. Apr. 16, 1976.
Do.	Audrain	Laddonia, city of	H 290017A 01	do	Mayor, City Hall, Laddonia, Mo. 63352.	May 24, 1974. Apr. 16, 1976.
Do.	Dade	Lockwood, city of	H 290682 01	do	Mayor, City Hall, Lockwood, Mo. 65682.	June 11, 1976.
Do.	Dunklin	Malden, city of	H 290130A 01 through H 290130A 03	do	Mayor, City Hall, 115 East Main St., Malden, Mo. 63863.	Mar. 29, 1974. Apr. 16, 1976.
Do.	St. Louis	Manchester, city of.	H 290366A 01 through H 290366A 04	do	Mayor, 916 Manchester Rd., P.O. Box 672, Manchester, Mo. 63011.	Dec. 17, 1973. Apr. 16, 1976.
Do.	Linn	Marceline, city of	H 290215A 01 through H 290215A 02	do	Mayor, 116 North Kansas Ave., Marceline, Mo. 64658.	Mar. 29, 1974. Apr. 16, 1976.
Do.	Lafayette	Napoleon, city of	H 290547 01	do	Mayor, City Hall, Napoleon, Mo. 64074.	June 11, 1976.
Do.	Ralls	New London, city of.	H 290693 01	do	Mayor, City Hall, 108 East 5th St., New London, Mo. 63459.	Do.
Do.	Platte	Parkville, city of	H 290294A 01 through H 290294A 02	do	Mayor, Town Hall, P.O. Box 12045, Parkville, Mo. 64152.	Jan. 16, 1974. Apr. 16, 1976.
Do.	Pettis	Sedalia, city of	H 290283A 01 through H 290283A 04	do	Mayor, 2d and Osage, City Hall, Sedalia, Mo. 65301.	Feb. 8, 1974. Apr. 16, 1976.
Montana	Yellowstone	Billings, city of	H 300085A 01 through H 300085A 10	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, Billings, Mont. 59101.	Feb. 15, 1974. Apr. 16, 1976.
Do.	Silver Bow	Butte, city of	H 300077A 01 through H 300077A 05	do	Mayor, City Hall, Butte, Mont. 59701	June 14, 1974. Apr. 16, 1976.
Nebraska	Douglas	Elkhorn, city of	H 310075A 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Elkhorn, Nebr. 68022.	Mar. 22, 1974. Apr. 16, 1976.
Do.	Box Butte	Hemingford, village of.	H 310377A 01	do	Administrator Assistant, Village Hall, Hemingford, Nebr. 69348.	Aug. 8, 1975.
New Hampshire.	Strafford	Farmington, town of.	H 330147A 01 through H 330147A 12	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.	Selectman, Office of the Selectmen, Farmington, N.H. 03835.	Feb. 21, 1975. Apr. 16, 1976.
New Jersey	Camden	Berlin, township of.	H 340126A 01 through H 340126A 02	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, Township of Berlin, Bate Ave., West Berlin, N.J. 08091.	June 7, 1974. Apr. 16, 1976.
Do.	Monmouth	Holmdel, township of.	H 340300B 01 through H 340300B 06	do	Mayor, Box 385, Holmdel, N.J. 07733	Feb. 1, 1974. Oct. 17, 1975. Apr. 16, 1976.
Do.	do	Loch Arbour, village of.	H 340306A 01	do	Mayor, 550 Main St., Loch Arbour, N.J. 07711.	Nov. 30, 1973. Apr. 16, 1976.
Do.	Burlington	Maple Shade, township of.	H 340101A 01	do	Mayor, Main St. and Maple Ave., Maple Shade, N.J. 08052.	Mar. 15, 1974. Apr. 16, 1976.
Do.	Somerset	Rocky Hill, borough of.	H 340443A 01	do	Mayor, 2 Toth Lane, Rocky Hill, N.J. 08553.	June 28, 1974. Apr. 16, 1976.
Do.	Middlesex	Sayreville, borough of.	H 340276A 01 through H 340276A 08	do	Mayor, 167 Main St., Sayreville, N.J. 08872.	Dec. 38, 1973. Apr. 16, 1976.
Do.	Morris	Wharton, borough of.	H 340364A 01	do	Mayor, 10 Robert St., Wharton, N.J. 07885.	Mar. 3, 1974. Apr. 16, 1976.
Do.	Cape May	Woodbine, borough of.	H 340164A 01 through H 340164A 04	do	Mayor, Borough Hall, Woodbine, N.J. 08270.	Mar. 8, 1974. Apr. 16, 1976.
Do.	Camden	Woodlynne, borough of.	H 340149A 01	do	Mayor, 300 Cooper Ave., Woodlynne, N.J. 08107.	June 28, 1974. Apr. 16, 1976.
Do.	Burlington	Wrightstown, borough of.	H 340120A 01 through H 340120A 02	do	Mayor, East Main St., Wrightstown, N.J. 08562.	June 28, 1974. Apr. 16, 1976.
New York	Jefferson	Adams, village of	H 360325B 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, Municipal Bldg, Main St., Adams, N.Y. 13605.	Apr. 5, 1974. Nov. 28, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do	Antwerp, village of.	H361554B 01	do	Mayor, Van Buren St., Antwerp, N.Y. 13608.	May 31, 1974. Nov. 28, 1975. Apr. 16, 1976.
Do.	Oneida	Boonville, village of.	H 360520A 01	do	Mayor, Fort St., Boonville, N.Y. 13309.	May 31, 1974. Apr. 16, 1976.
Do.	Tioga	Candor, village of.	H 360834A 01	do	Mayor, Main St. Candor, N.Y. 13743.	May 31, 1974.
Do.	Jefferson	Carthage, village of.	H 360995A 01	do	Mayor, 30 South Mechanic St., Carthage, N.Y. 13619.	May 10, 1974, Apr. 16, 1976.
Do.	do	Hounsfield, town of.	H 360340A 01 through H 360340A 08	do	Town Supervisor, Town of Hounsfield, R.D., Sackets Harbor, N.Y. 13685.	Jan. 30, 1976.
Do.	Dutchess	LaGrange, town of.	H 361011A 01 through H 361011A 12	do	Town Supervisor, Town of LaGrange, Stringham Rd., Pleasant Valley, N.Y. 12569.	Nov. 1, 1974. Apr. 16, 1976.
Do.	Livingston	Mount Morris, town of.	H 360387A 01 through H 360387A 13	do	Supervisor, Town Hall, Mount Morris, N.Y. 14510.	May 17, 1974. Apr. 16, 1976.
Do.	Ontario	Naples, village of.	H 360603A 01 through H 360603A 02	do	Mayor, Village Hall, Naples, N.Y. 14512.	May 31, 1974. Apr. 16, 1976.
Do.	Oneida	New York Mills, village of.	H 360537A 01	do	Mayor, P.O. Box 96, New York Mills, N.Y. 13417.	June 7, 1974.
Do.	Herkimer	Newport, village of.	H 360315A 01	do	Mayor, Newport, N.Y. 13416	Mar. 29, 1974. Apr. 16, 1976.
Do.	Monroe	Ogden, town of.	H 360424A 01 through H 360424A 09	do	Supervisor, Town of Ogden, 409 South Union St., Spencerport, N.Y. 14559.	Dec. 28, 1973. Apr. 16, 1976.
Do.	St. Lawrence	Ogdensburg, city of.	H 360707A 01 through H 360707A 04	do	Mayor, 300 Ford St., City Hall, Ogdensburg, N.Y. 13669.	July 26, 1974. Apr. 16, 1976.
Do.	Cattaraugus	Olean, town of.	H 360089A 01 through H 360089A 03	do	Supervisor, Town Hall, Rural Delivery No. 1, Olean, N.Y. 14760.	Oct. 5, 1973. Apr. 16, 1976.
Do.	Otsego	Oneonta, town of.	H 361275A 01 through H 361275A 11	do	Supervisor, Town of Oneonta, P.O. Box 225, West Oneonta, N.Y. 13864.	Dec. 20, 1974. Apr. 16, 1976.
Do.	Schuyler	Orange, town of.	H 360748A 01 through H 360748A 06	do	Supervisor, Town of Orange, Rural Delivery 1, Box 77, Beaver Dam, N.Y. 14812.	July 26, 1974. Apr. 16, 1976.
Do.	Monroe	Parma, town of.	H 360425A 01 through H 360425A 11	do	Supervisor, Town of Parma, P.O. Box 728, 1300 Hilton Parmawrners Rd., Hilton, N.Y. 14468.	Nov. 9, 1973. Apr. 16, 1976.
Do.	Genesee	Pavilion, town of.	H 360282A 01 through H 360282A 04	do	Supervisor, St. Mary's St., Pavilion, N.Y. 14525.	Mar. 29, 1974. Apr. 16, 1976.
Do.	Niagara	Pendleton, town of.	H 360500A 01 through H 360509A 08	do	Supervisor, Town of Pendleton, Town Hall, 6570 Campbell Blvd., Blackport, N.Y. 14004.	May 31, 1974. Apr. 16, 1976.
North Carolina	Watauga	Blowing Rock, town of.	H 370252A 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 47, Blowing Rock, N.C. 28605.	June 21, 1974.
Do.	Henderson	Laurel Park, city of.	H 370384 01 through H 370384 04	do	Mayor, P.O. Box 1880, Laurel Park, N.C. 28739.	June 11, 1976.
North Dakota	Pembina	Drayton, city of.	H 380150A 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, P.O. Box 466, City Hall, Drayton, N. Dak. 58225.	May 24, 1974.
Do.	Eddy	New Rockford, city of	H 380031A 01	do	City Auditor, City Hall, New Rockford, N. Dak. 58356.	Nov. 23, 1973. Apr. 16, 1976.
Ohio	Portage	Aurora, city of.	H 390454A 01 through H 390454A 06	Ohio Department of Natural Resources, Flood Insurance Coordinating Bldg., Fountain Square, Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 130 South Chillicothe, Aurora, Ohio 44202.	May 10, 1974. Apr. 16, 1976.
Do.	Fairfield	Baltimore, village of.	H 390159A 01 through H 390159A 02	do	Mayor, 100 West Market St., Baltimore, Ohio 43105.	June 21, 1974. Apr. 16, 1976.
Do.	Cuyahoga	Bedford, city of.	H 390095A 01 through H 390095A 03	do	Mayor, 65 Polumbus Rd., Bedford, Ohio 44146.	Feb. 8, 1974. Apr. 16, 1976.
Do.	Knox	Centerburg, village of.	H 390307A 01	do	Mayor, 52 South Clayton St., Centerburg, Ohio 43011.	May 17, 1974. Apr. 16, 1976.
Do.	Athens	Chauncey, village of.	H 390017A 01	do	Mayor, Village Hall, Chauncey, Ohio 45719.	June 21, 1974. Apr. 16, 1976.
Do.	Jefferson	Dillonvale, village of.	H 390298A 01	do	Mayor, Main St., Dillonvale, Ohio 43917.	Apr. 12, 1974. Apr. 16, 1976.
Do.	Hancock, Seneca, and Wood.	Fostoria, city of.	H 390245A 01 through H 390245A 04	do	Mayor, 213 South Main St., Fostoria, Ohio 44830.	Apr. 12, 1974. Apr. 16, 1976.
Do.	Sandusky	Fremont, city of.	H 390490A 01 through H 390490A 02	do	Mayor, 401 Croghan St., Fremont, Ohio 42430.	Mar. 15, 1974. Apr. 16, 1976.
Do.	Putnam	Glandorf, village of.	H 390470A 01	do	Mayor, Village Hall, Glandorf, Ohio 45848.	May 17, 1974. Apr. 16, 1976.
Do.	Athens	Jacksonville, village of.	H 390019A 01	do	Mayor, Village Hall, Jacksonville, Ohio 45740.	May 17, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Nelsonville, village of.	H 390020A 01 through H 390020A 02	do.	Mayor, Fayette St., Nelsonville, Ohio 45764.	May 10, 1974. Apr. 16, 1976.
Do.	Ottawa.	Oak Harbor, village of.	H 390433A 01 through H 390433A 02	do.	Mayor, Municipal Blvd., Oak Harbor, Ohio 43449.	Mar. 1, 1974. Apr. 16, 1976.
Do.	Putnam.	Pandora, village of.	H 390474A 01 through H 390474A 02	do.	Mayor, Main St., Pandora, Ohio 45877.	Feb. 8, 1974.
Do.	Hamilton.	Reading, city of.	H 390234A 01 through H 390234A 02	do.	Mayor, Pike and Market St., Reading, Ohio 45215.	Do. Apr. 16, 1976.
Do.	Lorain.	Sheffield Lake, city of.	H 390355A 01 through H 390355A 02	do.	Mayor, 609 Harris Rd., Sheffield Lake, Ohio 44054.	May 31, 1974.
Oklahoma.	Jefferson.	Addington, town of.	H 400074A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, Addington, Okla. 73520.	Oct. 18, 1974. Apr. 16, 1976.
Do.	Woods.	Freedom, town of.	H 400227A 01	do.	President, P.O. Box 92, Main St., Freedom, Okla. 73842.	Nov. 8, 1974. Apr. 16, 1976.
Do.	Cleveland.	Moore, city of.	H 400044A 01 through H 400044A 07	do.	Mayor, 117 East Main, P.O. Box 6348, City Hall, Moore, Okla. 73160.	June 7, 1974. Apr. 16, 1976.
Do.	Beckham.	Sayre, city of.	H 400441A 01	do.	Mayor, City Hall, 102 West Main, Sayre, Okla. 73662.	June 11, 1976.
Do.	Cherokee.	Tahlequah, city of.	H 400037A 01 through H 400037A 07	do.	Mayor, 311 South Muskogee Ave., Tahlequah, Okla. 74464.	June 14, 1974. Apr. 16, 1976.
Oregon.	Umatilla.	Athena, city of.	H 410206A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	City Recorder, City Hall, Athena, Oreg. 97813.	Nov. 2, 1973.
Do.	Coos.	Bandon, city of.	H 410043A 01 through H 410043A 02	do.	Mayor, City Hall, Bandon, Oreg. 97411.	Dec. 28, 1973. Apr. 16, 1976.
Do.	Washington.	Forest Grove, city of.	H 410241A 01 through H 410241A 03	do.	Mayor, City Hall, Forest Grove, Oreg. 97116.	Mar. 1, 1974. Apr. 16, 1976.
Do.	Lincoln.	Waldport, city of.	H 410134A	do.	Mayor, City Hall, Waldport, Oreg. 97394.	Mar. 22, 1974. Apr. 16, 1976.
Do.	Yamhill.	Yamhill, city of.	H 410259A 01	do.	Mayor, City Hall, Yamhill, Oreg. 97147.	Nov. 30, 1973. Apr. 16, 1976.
Pennsylvania.	Chester.	Atglen, borough of.	H 420273A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, P.O. Box 268, Atglen, Pa. 19310.	Aug. 9, 1974. Apr. 16, 1976.
Do.	Cambria.	Barnesboro, borough of.	H 420227A 01	do.	Mayor, 1023 Philadelphia Ave., Barnesboro, Pa. 15714.	Mar. 29, 1974. Apr. 16, 1976.
Do.	Carbon.	Beaver Meadows, borough of.	H 420247A 01	do.	Mayor, 72 Berwick St., Beaver Meadows, Pa. 18216.	June 28, 1974.
Do.	Somerset.	Boswell, borough of.	H 420794A 01 through H 420794A 02	do.	President of Council, Boswell Borough Council, Boswell, Pa. 15531.	July 26, 1974. Apr. 16, 1976.
Do.	Jefferson.	Brockway, borough of.	H 420509A 01 through H 420509A 03	do.	Mayor, 957 5th Ave., Brockway, Pa. 15824.	Jan. 9, 1974. Apr. 16, 1976.
Do.	do.	Brookville, borough of.	H 420510A 01 through H 420510A 06	do.	Mayor, 14 Pennsylvania Ave., Route No. 1, Brookville, Pa. 15825.	May 10, 1974. Apr. 16, 1976.
Do.	Bradford.	Burlington, borough of.	H 420168A 01	do.	Mayor, Box 67, Burlington, Pa. 18814.	Aug. 16, 1974. Apr. 16, 1976.
Do.	Somerset.	Central City, borough of.	H 420796A 01	do.	Mayor, 507 Pine St., Central City, Pa. 15926.	June 7, 1974. Apr. 16, 1976.
Do.	Clearfield.	Coalport, borough of.	H 420301A 01	do.	Mayor, Borough Bldg., Coalport, Pa. 16627.	May 3, 1974. Apr. 16, 1976.
Do.	Delaware.	Colwyn, borough of.	H 420409A 01	do.	President of Council, Borough Hall, Colwyn, Pa. 19023.	Nov. 16, 1973.
Do.	Venango.	Cooperstown, borough of.	H 420835A 01	do.	Mayor, P.O. Box 52, Cooperstown, Pa. 16317.	Aug. 9, 1974. Apr. 16, 1976.
Do.	Delaware.	Darby, borough of.	H 420411A 01	do.	Mayor, 44 North 9th St., Darby, Pa. 19023.	Nov. 23, 1973.
Do.	Cameron.	Driftwood, borough of.	H 420245A 01	do.	Mayor, Box 235, Driftwood, Pa. 15832.	Aug. 9, 1974. Apr. 16, 1976.
Do.	Fayette.	Dunbar, borough of.	H 420461A 01 through H 420461A 02	do.	Mayor, 51 Connellsville St., Dunbar, Pa. 15134.	May 31, 1974. Apr. 16, 1976.
Do.	Allegheny.	Duquesne, city of.	H 420028A 01 through H 420028A 05	do.	Mayor, 12 South 2d St., Duquesne, Pa. 15110.	Apr. 12 1974. Apr. 16, 1976.
Do.	Beaver.	East Rochester, borough of.	H 420108A 01	do.	Mayor, Spruce St., East Rochester, Pa. 15074.	Feb. 1, 1974. Apr. 16, 1976.

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Do	Westmoreland	East Vandergrift, borough of.	H 420875A 01	do	Mayor, Borough Bldg., East Vandergrift, Pa. 15629.	Apr. 5, 1974.
Do	Allegheny	Elizabeth, borough of.	H 421263A 01	do	Mayor, 206 3d Ave., Elizabeth, Pa. 15037.	Jan. 9, 1974.
Do	Lancaster	Elizabethtown, borough of.	H 420550A 01 through H 420550A 02	do	Mayor, 59 North Market St., Elizabethtown, Pa. 17022.	Jan. 23, 1974. Apr. 16, 1976.
Do	Tioga	Elkland, borough of.	H 420818A 01	do	Mayor, Borough Bldg., Elkland, Pa. 16620.	Mar. 8, 1974. Apr. 16, 1976.
Do	Fayette	Fairchance, borough of.	H 420463A 01 through H 420463A 03	do	Mayor, 125 West Church St., Fairchance, Pa. 15436.	July 26, 1974. Apr. 16, 1976.
Do	Jefferson	Falls Creek, borough of.	H 420511A 01	do	Mayor, Borough Bldg., Falls Creek, Pa. 15840.	July 26, 1974. Apr. 16, 1976.
Do	Fayette	Fayette City, borough of.	H 420464A 01	do	Mayor, 118 South High St., Fayette City, Pa. 15438.	Feb. 22, 1974. Apr. 16, 1976.
Do	Armstrong	Ford City, borough of.	H 420004A 01 through H 420004A 02	do	Mayor, P.O. Box 112, Ford City, Pa. 16226.	Mar. 29, 1974. Apr. 16, 1976.
Do	Butler	Forward, township of.	H 421419A 01 through H 421419A 02	do	Chairman, Township of Forward, Rural Delivery 2, Evans City, Pa. 16033.	Sept. 13, 1974. Apr. 16, 1976.
Do	Wayne	Hawley, borough of.	H 420863A 01	do	President of Council, 308 River St., Hawley, Pa. 18428.	Feb. 1, 1974. Apr. 16, 1976.
Do	York	Monaghan, township of.	H 422225A 01 through H 422225A 06	do	Chairman, Township of Monaghan, Rural Delivery No. 3, Dillsburg, Pa. 17019.	Nov. 8, 1974. Apr. 16, 1976.
Do	Westmoreland	Smithon, borough of.	H 420890A 01	do	Mayor, Box 457, Smithon, Pa. 15479	May 31, 1974. Apr. 16, 1976.
South Carolina	Horry	Loris, town of	H 450108A 01	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, 4101 Walnut St., Loris S.C. 29569.	June 21, 1974. Apr. 16, 1976.
Do	Sumter	Sumter, city of	H 450184A 01 through H 450184A 04	do	Mayor, P.O. Box 1449, Sumter, S.C. 29150.	June 21, 1974. Apr. 16, 1976.
Tennessee	Jefferson	Dandridge, city of.	H 470299 01 through H 470299 08	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 1, Dandridge, Tenn. 37725.	June 11, 1976.
Do	Blount	Friendsville, city of.	H 470302 01 through H 470302 02	do	Mayor, P.O. Box 56, Friendsville, Tenn. 37737.	Do.
Do	Bedford	Normandy, city of.	H 470313 01	do	Mayor, P.O. Box 97, Normandy, Tenn. 37360.	Do.
Do	Decatur	Parsons, city of	H 470316 01 through H 470316 04	do	Mayor, P.O. Box 128, Parsons, Tenn. 38363.	Do.
Do	Henry	Puryear, city of	H 470317 01	do	Mayor, City Hall, Puryear, Tenn. 38251.	Do.
Do	McNairy	Stantonville, city of.	H 470328 01 through H 470328 04	do	Mayor, City Hall, Stantonville, Tenn. 38379.	Do.
Texas	Red River	Annona, town of	H 480982A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, Town Hall, Annona, Tex. 75550.	Do.
Do	Callahan	Baird, town of	H 480722 01	do	Mayor, City Hall, 328 Market St., Baird, Tex. 79504.	Do.
Do	Dallas	Balch Springs, city of.	H 480166A 01 through H 480166A 05	do	Mayor, 3117 Hickory Tree Rd., City Hall, Balch Springs, Tex. 75149.	Mar. 8, 1974. Apr. 16, 1976.
Do	Hutchinson	Borger, city of	H 480374A 01 through H 480374A 04	do	Mayor, City Hall, 111 East 6th St., Borger, Tex. 79007.	June 28, 1974. Apr. 16, 1976.
Do	Burleson	Caldwell, city of	H 480089A 01 through H 480089A 02	do	Mayor, City Hall, Caldwell, Tex. 77836.	May 3, 1974. Apr. 16, 1976.
Do	Donley	Clarendon, city of.	H 480200 01	do	Mayor, City Hall, Clarendon, Tex. 79226.	June 11, 1976.
Do	Limestone	Coolidge, city of	H 480911 01 through H 480911 02	do	Mayor, Town Hall, 102 West Bell, Coolidge, Tex. 76635.	Do.
Do	Mitchell	Colorado City city of.	H 480480A 01 through H 480480A 04	do	Mayor, City Hall, 180 West 3d St., Colorado City, Tex. 79512.	Apr. 12, 1974. Apr. 16, 1976.
Do	Dallas	Desoto, city of	H 480172A 01 through H 480172A 10	do	Consulting Engineers, 5630 Yale Blvd., Dallas, Tex. 75206.	Aug. 2, 1974. Apr. 16, 1976.
Do	Colorado	Eagle Lake, city of.	H 480146A 01	do	Mayor, City Hall, 100 East Main St., Eagle Lake, Tex. 77434.	May 10, 1974. Apr. 16, 1976.
Do	Hidalgo	Edinburg, city of	H 380338A 01 through H 380338A 05	do	Planning Coordinator, City Hall, Edinburg, Tex. 78539.	June 28, 1974. Apr. 16, 1976.
Do	Bexar	Elmendorf, city of.	H 480710 01 through H 480710 02	do	Mayor, City Hall, Elmendorf, Tex. 78112.	June 11, 1976.
Do	Henderson	Eustace, city of	H 480327 01	do	Mayor, City Hall, Eustace, Tex. 75124.	Do.
Do	Kaufman	Forney, city of	H 480410A 01 through H 480410A 04	do	Mayor, 200 Buffalo, P.O. Box 826, City Hall, Forney, Tex. 75126.	Feb. 1, 1974. Apr. 16, 1976.
Do	Cherokee	Jacksonville, city of.	H 480123A 01	do	Mayor, City Hall, Commerce and Ragsdale St., Jacksonville, Tex. 75766.	May 24, 1974. Apr. 16, 1976.
Do	Jasper	Jasper, city of	H 480383A 01 through H 480383A 04	do	Mayor, City Hall, 272 East Lamar, Jasper, Tex. 75951.	Mar. 29, 1974. Apr. 16, 1976.

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Do	Limestone	Kosse, town of	H 481151 01	do	Mayor, Town Hall, Kosse, Tex. 76653	June 11, 1976.
Do	Mason	Mason, city of	H 480467A 01 through H 480467A 03	do	Mayor, City Hall, 124 Mody St., Mason, Tex. 76856.	May 10, 1974. Apr. 16, 1976.
Do	Ward and Winkler	Monahans, city of	H 480644 01 through H 480644 20	do	Mayor, City Hall, 112 West 2d St., Monahans, Tex. 79756.	June 11, 1976.
Do	Mills	Mullin, town of	H 481125 01	do	Mayor, Town Hall, Mullin, Tex. 76864	Do.
Do	Henderson	Murchison, city of	H 480330 01 through H 480330 02	do	Mayor, City Hall, Murchison, Tex. 75778.	Do.
Do	Bowie	New Boston, city of.	H 480059A 01 through H 480059A 03	do	Mayor, City Hall, 303 Highway 82 East, New Boston, Tex. 75570.	Dec. 17, 1973.
Do	Hunt	Quinlan, city of	H 480370A 01 through H 480370A 02	do	Mayor, City Hall, Quinlan, Tex. 75474.	Apr. 12, 1974. Apr. 16, 1976.
Do	Bexar	Shavano Park, town of.	H 480047A 01	do	Mayor, Town Hall, 99 Saddletree Rd., Shavano Park, Tex. 78231.	Mar. 1, 1974. Apr. 16, 1976.
Do	Lavaca	Shiner, town of	H 481136 01 through H 481136 02	do	Mayor, Town Hall, Shiner, Tex. 77984	June 11, 1976.
Do	Bosque and McLennan.	Valley Mills, city of.	H 480054 01 through H 480054 02	do	Mayor, City Hall, P.O. Box 641, Valley Mills, Tex. 76689.	May 3, 1974. Apr. 16, 1976.
Do	Austin	Wallis, city of	H 480018A 01	do	Mayor, City Hall, Wallis, Tex. 77485	May 24, 1974. Apr. 16, 1976.
Utah	Morgan	Morgan, city of	H 490093A 01 through H 490093A 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.	Mayor, City Hall, Morgan, Utah 84050.	June 28, 1974. Apr. 16, 1976.
Vermont	Orleans	Barton, village of	H 500082A 01	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.	Village Agent, Village of Barton, Box B, Barton, Vt. 05822.	Nov. 8, 1974. Apr. 16, 1976.
Do	Washington	Cabot, town of	H 500108A 01 through H 500108A 12	do	Mayor, Town of Cabot, Cabot, Vt. 05647.	July 26, 1974. Apr. 16, 1976.
Virginia		Covington, city of.	H 510040A 01 through H 510040A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 232,30. Virginia Insurance Department 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, City Hall, Covington, Va. 24426.	May 17, 1974. Apr. 16, 1976.
Washington	Kittitas	Ellensburg, city of.	H 530234A 01 through H 530234A 03	Dept. of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, 420 North Pearl St., City Hall, Ellensburg, Wash. 98926.	Dec. 17, 1973. Apr. 16, 1976.
Do	do	Kittitas, town of	H 530098A 01	do	Mayor, Town Hall, 207 Main St., Kittitas, Wash. 98934.	June 14, 1974.
West Virginia	Wetzel	Pine Grove, town of.	H 540210A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. West Virginia Insurance Commission, 1800 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 307, Pine Grove, W. Va. 26419.	May 24, 1974. Apr. 16, 1976.
Do	Jefferson	Shepherdstown, town of.	H 540069B 01	do	Mayor, Town Hall, Shepherdstown, W. Va. 25443.	Feb. 1, 1974. Oct. 31, 1975.
Wisconsin	Green	Albany, village of	H 550158A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, P.O. Box 342, Albany, Wis. 53502.	Jan. 9, 1974. Apr. 16, 1976.
Do	Kewaunee	Algoma, city of	H 550213A 01 through H 550213A 02	do	Mayor, 416 Fremont St., Algoma, Wis. 54201.	Jan. 9, 1974. Apr. 16, 1976.
Do	Polk	Amery, city of	H 550332A 01	do	Mayor, 120 Center St., Amery, Wis. 54001.	Dec. 28, 1973. Apr. 16, 1976.
Do	Trempealeau	Arcadia, city of	H 550439A 01	do	Mayor, 203 West Main St., Arcadia, Wis. 54612.	Nov. 30, 1973. Apr. 16, 1976.
Do	Barron	Barron, city of	H 550010A 01	do	Mayor, 307 East LaSalle Ave., Barron, Wis. 54812.	Dec. 17, 1973.
Do	Milwaukee and Ozaukee.	Bayside, village of.	H 550270A 01	do	Village Manager, 9075 North Regent Rd., Bayside, Wis. 53217.	Feb. 22, 1974. Apr. 16, 1976.
Do	Crawford	Bell Center, village of.	H 550068A 01	do	Village President, Village Hall, Bell Center, Wis. 54631.	Jan. 9, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Dane and Green	Belleville, village of.	H 550159A 01	do	Village President, 31 East Main St., Belleville, Wis. 53508.	Jan. 23, 1974. Apr. 16, 1976.
Do	Waukesha	Big Bend, village of.	H 550477A 01	do	Village President, West 225 South 9075 Mount Carmel Dr., Big Bend, Wis. 53103.	Nov. 30, 1973. Apr. 16, 1976.
Do	Green	Brodhead, city of.	H 550160A 01	do	Mayor, Box 168, Brodhead, Wis. 53520.	Feb. 8, 1974.
Do	Monroe	Kendall, village of.	H 550287A 01	do	Village President, Village Hall, Kendall, Wis. 54638.	Aug. 30, 1974.
Do	Kewaunee	Kewaunee, city of.	H 550215A 01 through H 550215A 02	do	Mayor, City Clerk's Office, Kewaunee, Wis. 54216.	Feb. 8, 1974. Apr. 16, 1976.
Do	Dane	Mazomonie, village of.	H 550085A 01	do	Village President, 133 Crescent St., Mazomonie, Wis. 53560.	Dec. 28, 1973.
Do	do	Middleton, city of.	H 550087A 01 through H 550087A 02	do	Mayor, 7426 Hubbard Ave., Middleton, Wis. 53562.	Dec. 17, 1973. Apr. 16, 1976.
Do	do	Monona, city of.	H 550088A 01 through H 550088A 02	do	Mayor, 5211 Schluter Rd., Monona, Wis. 53716.	Nov. 30, 1973. Apr. 16, 1976.
Do	Green	Monticello, village of.	H 550163A 01	do	Village President, 140 North Main St., Monticello, Wis. 53570.	Dec. 17, 1973. Apr. 16, 1976.
Do	Vernon	Readstown, village of.	H 550458A 01	do	Village President, Village Hall, Readstown, Wis. 54652.	Dec. 7, 1973. Apr. 16, 1976.
Do	Milwaukee	Shorewood, village of.	H 550282A 01	do	Village President, 3930 North Murray Ave., Shorewood, Wis. 53211.	Dec. 17, 1973. Apr. 16, 1976.
Do	Door	Sturgeon Bay, city of.	H 550111A 01 through H 550111A 03	do	Mayor, 36 South 3d Ave., Sturgeon Bay, Wis. 54235.	June 7, 1974. Apr. 16, 1976.
Wyoming	Teton	Jackson, town of.	H 560052A 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Wyoming Department of Insurance, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Town Hall, Jackson, Wyo. 83001.	May 10, 1974. Apr. 16, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: April 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-12092 Filed 4-28-76;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 953 and 980]

IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Notice of Proposed Handling Regulation

This proposal would require potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in designated counties of Virginia and North Carolina and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee are consistent with the marketing policy it unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

Shipments of potatoes from the production area are expected to begin about May 25. The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market channels of commerce. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared purpose of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than May 14, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows.

§ 953.316 Handling regulation.

During the period June 5 through July 31, 1976, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing' as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further Provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and reurn a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: April 22, 1976.

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

[FR Doc.76–12445 Filed 4–28–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N–0125]

CONDITIONS FOR USE OF METHADONE

Notice of Proposed Rule Making

The Commissioner of Food and Drugs is proposing to amend § 310.505 Conditions for use of methadone (21 CFR 310.505) to make the methadone regulations consistent with the Narcotic Addict Treatment Act of 1974 and the implementing regulations thereto issued by the Drug Enforcement Administration. Comments are requested on or before June 28, 1976.

The Narcotic Addict Treatment Act of 1974, Pub. L. 93–281, enacted on May 14, 1974, amends the Controlled Substances Act of 1970 to require of practitioners who use narcotic drugs in the treatment of narcotic dependence a separate annual registration with the Department of Justice, Drug Enforcement Administration (DEA). The Attorney General shall register an applicant to engage in such treatment only if, in addition to meeting the other requirements of the Controlled Substances Act. (1) the Secretary of Health, Education, and Welfare has determined that the applicant is qualified, under standards established by the Secretary, to engage in such treatment, and (2) the Secretary has determined that the applicant will comply with standards established by the Secretary, after consultation with the Attorney General, with respect to the quantity of drugs that may be provided for unsupervised use by individuals in the treatment of narcotic dependence by narcotic drugs.

On December 15, 1972, § 310.304 (formerly § 130.48 prior to recodification published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)) was amended to include methadone among the drugs that are subjects of approved new drug applications and that require special studies, records, and reports. Final regulations setting forth conditions for use of methadone were published on the same date under § 310.505 (formerly § 130.44).

The Food and Drug Administration (FDA) regulations governing the use of methadone reflect the agency's recognition that narcotic dependence cannot generally be treated by the administration of a drug alone. It is an illness of medical and social origins, the treatment of which requires the use of professional services designed to alleviate the problems which led to the dependence. For this reason, among others, the approval to use methadone in the treatment of narcotic dependence was made contingent upon certain restrictions on its use, as well as the provision of supportive and rehabilitative services specified in § 310.505. Although research has been conducted on several additional drugs for use in the treatment of narcotic dependence, methadone is presently the only drug that has been approved under conditions of restricted use as meeting the requirements of safety and effectiveness for such treatment.

Accordingly, the Commissioner proposes to amend § 310.505 to make these regulations concerning the use of methadone consistent with the Narcotic Addict Treatment Act and the implementing regulations found in 21 CFR 1301.02 through 1306.07, published in the FEDERAL REGISTER by the DEA on October 25, 1974. A discussion of the proposed amendments follows:

1. *Practitioners qualified to engage in treatment.* Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g) as added by the Narcotic Addict Treatment Act of 1974 (Pub. L. 93–281)) requires practitioners who dispense narcotic drugs to individuals for maintenance and/or detoxification treatment to register annually for that purpose. Among other requirements, registration is dependent upon a determination by the Secretary that the practitioner is qualified, under standards established by the Secretary, to engage in such treatment. To be consistent with this requirement, a practitioner shall be deemed to be qualified to treat narcotic dependence with methadone if he holds an approved application to receive methadone under the conditions for use of methadone prescribed by § 310.505. In the treatment of narcotic dependence on an outpatient basis, Form FD–2632, "Application for Approval of Use of Methadone in a Treatment Program," must be filed with, and approved by, the FDA and the appropriate State methadone authority. An applicant may also be deemed qualified to treat narcotic dependence of hospitalized patients provided Form FD–2636, "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment" has been filed with, and approved by, the FDA and the appropriate State methadone authority. Under these methadone regulations, a hospital is recognized as a State licensed facility providing a range of inpatient and outpatient treatment services.

2. *Use of drugs other than methadone; interim approval for use of methadone.* The Commissioner recognizes that there may be practitioners who have been treating narcotic dependence with narcotic drugs other than methadone. Under the Narcotic Addict Treatment Act, as a condition for registration with the Attorney General, the practitioner must comply with medical treatment standards established by the Secretary for the use of narcotic drugs in the treatment of narcotic dependence. Presently, the only standard for use of narcotic drugs in the treatment of dependence is the methadone regulations in § 310.505. Until such time as other narcotic drugs have been approved by the FDA as being safe and effective in the treatment of narcotic dependence, shipment of such drugs in interstate commerce for the purpose of maintenance or detoxification treatment of narcotic-dependent persons is prohibited by the Federal Food, Drug, and Cosmetic Act, and use of such drugs by practitioners for these purposes is therefore prohibited by the Narcotic Addict Treatment Act.

Section 310.505 should not be construed as a limitation on legitimate medical research with narcotic drugs. Researchers wishing to conduct bona fide research on the safety and efficacy of narcotic drugs in the treatment of narcotic dependence should either submit directly to the FDA a Form FD–1571, "Notice of Claimed Investigational Exemption for a New Drug" (IND) in conformity with Part 312 (21 CFR Part 312), or obtain status as an investigator under an IND held by the National Institute on Drug Abuse or other organizations. Compliance with a valid IND shall be deemed compliance with a medical treatment standard established by the Secretary, for purposes of the Narcotic Addict Treatment Act.

It is not the intent of the FDA in these regulations to cause any person to be denied proper medical treatment. The FDA will therefore grant interim approval, upon submission of a Form FD–2632, for the use of methadone in the treament of narcotic dependence by practitioners who had patients being maintained or detoxified with narcotic drugs other than methadone prior to the date of this notice in the FEDERAL REGISTER. An interim approval by the FDA will not be given unless the DEA and the State methadone authority agree to the procedure. The interim approval is not intended to apply in areas where approved treatment programs are reasonably accessible for referral of patients. It should be noted that nothing in the Narcotic Addict Treatment Act prohibits or restricts the use of non-narcotic drugs in the maintenance and/or detoxification treatment of individuals.

3. *Program approval.* Section 303(g) of the Controlled Substances Act specifically requires the Attorney General to consult with the Secretary to determine if an applicant is qualified to engaged in the treatment of narcotic dependence, before a treatment program may be registered to use narcotic drugs in the treatment of narcotic dependence. The methadone regulations under § 310.505 (b)(1)(v) require the FDA to consult with the DEA to determine the applicant's compliance with Federal controlled substances laws before granting approval of the application for the use of methadone in a treatment program (Ford FD–2632). The FDA will not grant final approval to this application until it is approved by the State methadone authority and verification is received from the DEA that the applicant meets the standards for security and recordkeeping established by that agency. Therefore, in order to conform the methadone regulations to the Narcotic Addict Treatment Act requirements for registration, the Commissioner proposes to amend § 310.505(b)(1)(v) to require such verification from the DEA before approval of the Form FD–2632.

4. *Approval of program medication units.* Prior to enactment of the Narcotic Addict Treatment Act of 1974 and promulgation of regulations pursuant thereto, methadone treatment program medication units required approval by only the FDA and the State methadone authority. Section 1301.22(a)(6) of the implementing regulations issued by the DEA, pursuant to the Narcotic Addict Treatment Act, requires registration of both treatment programs and medication units by the DEA. Accordingly, for consistency with DEA regulations, the Commissioner proposes to amend § 310.505(b)(2)(v) to provide for the registration of treatment program medication units by the DEA in addition to the approval of the State methadone authority and the FDA currently required.

5. *Hospital registration.* Pursuant to section 303(g) of the Controlled Sub-

stances Act, a hospital that uses methadone to detoxify hospitalized narcotic-dependent persons must now register with the DEA as a narcotic treatment program if it is acting as a practitioner and if such treatment is not used as an adjunct to other medical or surgical conditions. Those hospitals which use methadone for other approved uses (i.e., analgesia in severe pain and temporary maintenance as an adjunct to treatment of other medical or surgical conditions) are not required to register with the DEA, but must receive approval of the Form FD–2636 from the FDA and the State authority. Therefore, to be consistent with the regulations promulgated pursuant to the Narcotic Addict Treatment Act, the Commissioner proposes to amend § 310.505(f)(2)(vii) relating to the approval of hospital applications (Form FD–2636) to reflect the circumstances under which registration with DEA is required. The hospital application shall contain an affirmative statement as to whether or not the hospital will use methadone for inpatient detoxification treatment when such treatment is not used as an adjunct to treatment of other medical or surgical conditions. Additionally, a hospital must also be registered with the DEA in order to serve as a temporary treatment program when an approved methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. As amended, § 310.505(f)(2)(i) will reflect this requirement.

6. *Revocation of registration and approvals.* Before the FDA can approve a treatment program application (Form FD–2632) or a hospital application (Form FD–2636) to obtain methadone for use in the treatment of narcotic dependence, the applicant must receive approval from the State methadone authority and meet the drug security standards and annual registration requirements of the DEA. The Narcotic Addict Treatment Act and the implementing regulations thereto prohibit the use of narcotic drugs in the treatment of narcotic dependence in the absence of a valid registration. For the FDA to continue approval of an applicant to receive and use methadone when approval to do so has been withdrawn by the State authority pursuant to State law, or when a valid registration by DEA does not exist, would be contrary to the conditions under which the drug was approved for use and inconsistent with the Narcotic Addict Treatment Act and the regulations promulgated pursuant thereto. Accordingly, the Commissioner proposes to amend § 310.505 by adding paragraph (h)(6) to provide for automatic invalidation of the program application approval when the approval of a treatment program or hospital application is withdrawn or revoked by a State methadone authority, when the treatment program or hospital fails to register annually with the DEA, or when such registration is suspended or revoked by the DEA.

7. *Delivery of methadone.* The methadone regulations promulgated by the FDA authorize the acceptance of delivery of methadone to a treatment program only by a licensed practitioner employed by the program. The DEA regulations published pursuant to the Narcotic Addics Treatment Act, § 1301.74(h), provide for the receipt of drug stocks at a narcotic treatment program by either a licensed practitioner employed by the program, or by other authorized individuals (excluding individuals currently or previously dependent on narcotic drugs) so designated in writing. Therefore, in order to be consistent with DEA regulations, the Commissioner proposes to amend § 310.505(j)(3) to reflect this provision and to require that the written authorization be maintained on file by the methadone treatment program.

8. *Emergency treatment.* Section 1306.-07(b) of the DEA regulations published pursuant to the Narcotic Addict Treatment Act of 1974 permit a physician who is not specifically registered to conduct a narcotic treatment program to administer (but not prescribe) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Such emergency treatment is limited to the administration of not more than 1 day's medication to be administered to the person or for the person's use at 1 time and such emergency treatment can be carried out for not more than 3 days. It cannot be renewed or extended.

Currently, FDA's methadone regulations under § 310.505 allow methadone to be distributed to treatment programs for maintenance and detoxification treatment of narcotic dependent patients and to hospitals for use as an analgesic in severe pain, for inpatient detoxification, and for temporary maintenance treatment of an addict who is hospitalized for other medical or surgical conditions. This regulation does not permit hospital outpatient use of methadone in the treatment of narcotic dependent patients except under an approved application Form FD–2632, "Application for Approval of Use of Methadone in a Treatment Program." Thus, the present methadone regulation does not permit hospital emergency rooms to use methadone in the 3-day emergency treatment of narcotic dependent patients.

After evaluating the advantages and disadvantages of permitting hospital emergency rooms to use methadone in the 3-day emergency treatment of narcotic dependent patients, the Commissioner has decided not to include such a provision in this proposal. This decision was based, in part, on information obtained by the Bureau of Drugs' Division of Methadone Monitoring concerning the inclusion of such a proposal. The Division of Methadone Monitoring sampled the sentiment of many individuals in the treatment field and the responses were overwhelmingly against allowing methadone to be used in such a manner. The responses received are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Recognizing that the Commissioner did not intend to propose a provision allowing hospital emergency rooms to use methadone in the 3-day emergency treatment of narcotic dependent patients, the Methadone Treatment Policy Review Board has recommended to the Commissioner that the preamble to the proposal solicit comments as to the appropriateness of such a provision even though such provision is not set forth in the proposal. The Commissioner accepts this recommendation and requests views and comments from all interested persons.

In addition to receiving comments from individuals in the treatment field, the Commissioner also requests views and comments from medical and health organizations such as the American Medical Association, the Joint Commission on the Accreditation of Hospitals, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the National Council on Drug Abuse, and all other interested professional organizations and societies. Further, the views and comments of the Single State Authority and State authorities for methadone distribution are also requested.

The Commissioner has carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A–107, and interim guidelines issued by the Department of Health, Education, and Welfare and no major inflation impact has been found. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Accordingly, the Commissioner is of the opinion that § 310.505 should be revised, except as stated, to make the methadone regulation consistent with the Narcotic Addict Treatment Act of 1974 and the final regulations published by the DEA pursuant to the act. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a))), the Public Health Service Act as amended (sec. 303(a), 60 Stat. 423 as amended (42 U.S.C. 242a(a))), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 257a)), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 310.505 be amended by revising paragraphs (b)(1)(v), (b)(2)(v), (f)(2)(i) and (f)(2)(vii); by adding new paragraph (h)(6); by revising paragraph (j)(3); and by amending paragraph (k)(5) by revising in Form FD-2636 the introductory paragraph and item V and adding a new item X, to read as follows:

§ 310.505 Conditions for use of methadone.

* * * * *

(b) * * *

(1) * * *

(v) *Program approval.* In order to lawfully operate a methadone treatment program, each separate program, whether an outpatient facility or a private practitioner, shall submit the applications specified in this section simultaneously to the Food and Drug Administration and the State methadone authority and shall receive approval from both, except as provided for in paragraph (h)(5) of this section. Before granting approval, the Food and Drug Administration will obtain verification from the Drug Enforcement Administration, Department of Justice, that the applicant has satisfied security and recordkeeping requirements established by the Drug Enforcement Administration. At the time of application for approval, the program sponsor will list each physical location that is a part of the program and shall specifically indicate at which of these locations medication will be stored or dispensed. If medication is to be stored or dispensed at a location not previously used for these purposes, this location must be registered with the Drug Enforcement Administration and receive prior approval from the Food and Drug Administration. If a facility in which medication is stored or dispensed is deleted by a program, the Food and Drug Administration and State methadone authority shall be notified within 3 weeks. Addition or deletion of facilities that provide services other than storage or dispensing of medication is permitted with notification within 3 weeks to the Food and Drug Administration and the State methadone authority.

(2) * * *

(v) *Medication unit approval.* In order to lawfully operate a medication unit, the program shall register each unit location with the Drug Enforcement Administration, and obtain approval for each separate unit from the Food and Drug Administration and the State methadone authority, except as provided for in paragraph (h)(5) of this section. Approval will be based on the distribution of these units within a particular geographic area. A program shall register any new medication unit with the Drug Enforcement Administration and obtain approval from the Food and Drug Administration and State methadone authority before utilizing such a unit.

* * * * *

(f) * * *

(2) * * *

(i) *Approved uses.* Methadone is permitted to be administered or dispensed only for inpatient detoxification, temporary maintenance treatment of patients hospitalized for reasons other than dependence, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of narcotic dependence for more than 21 days, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the temporary maintenance treatment of a narcotic-dependent person who is hospitalized for treatment of medical conditions other than addiction and who requires maintenance treatment during the critical period of his stay or whose enrollment in a program that has approval for maintenance treatment using methadone has been verified. Any hospital that already has received approval under this paragraph (f), and is registered with the Drug Enforcement Administration to dispense methadone on an inpatient basis for the treatment of narcotic dependence, may be permitted to serve as a temporary methadone treatment program when an approved methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. The Food and Drug Administration may give this approval upon the request of the State authority, or the hospital itself when no State authority has been established.

* * * * *

(vii) *Approval of hospital application.* Application for a hospital to provide methadone for analgesia, inpatient detoxification, and temporary maintenance treatment of hospitalized patients will be submitted to the Food and Drug Administration and the State authority. Registration with the Drug Enforcement Administration is required when the hospital provide methadone for the detoxification of inpatients when such a procedure is intended solely for use in the treatment of narcotic dependence. The applicant shall receive prior approval from the Food and Drug Administration and the State authority, except as provided for in paragraph (h)(5) of this section. Before granting approval, the Food and Drug Administration will obtain verification from the Drug Enforcement Administration that the applicant has satisfied security and recordkeeping requirements established by the Drug Enforcement Administration. Approval of a hospital application, Form FD-2636, by the Food and Drug Administration shall constitute verification to the Drug Enforcement Administration that a hospital is qualified to treat narcotic dependence with methadone on an inpatient basis under the treatment standards established by the Secretary, and may be registered by the Drug Enforcement Administration pursuant to the Narcotic Addict Treatment Act of 1974. Within 60 days after receipt of the application by the Food and Drug Administration, the applicant will receive notification of approval or denial, or a request for additional information when necessary.

* * * * *

(h) * * *

(6) The Food and Drug Administration approval of an application for a treatment program or hospital to use methadone in the treatment of dependence shall automatically become invalid if a treatment program or hospital fails to register annually with the Drug Enforcement Administration, or when registration is suspended or revoked by that agency, or when approval of an application is withdrawn or revoked by the State authority pursuant to State law and regulation. The Food and Drug Administration shall notify the State authority, the Drug Enforcement Administration, and the manufacturers that shipments of methadone to the program or hospital are no longer permitted.

* * * * *

(j) * * *

(3) *Acceptance of delivery.* Delivery shall only be made to a licensed practitioner employed at the facility, or other authorized individual (excluding persons currently or previously dependent on narcotic drugs) so designated in writing. At the time of delivery, the licensed practitioner or authorized individual shall sign for the methadone and place his specific title and identification number, if applicable, on any invoice. Copies of these signed invoices shall be kept by the manufacturer or distributor. Written authorizations for acceptance of delivery of methadone shall be maintained on file by the narcotic treatment program.

* * * * *

(k) * * *

(5) *Hospital Application.*

* * * * *

Form FD-2636 Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment.

* * * * *

DEAR SIR: As hospital administrator, I submit this request for approval to receive supplies of methadone to be used for analgesia in severe pain, inpatient detoxification, and temporary maintenance treatment of hospitalized inpatients in accordance with § 310.505 of the new drug regulations. I understand that the failure to abide by the requirements described below may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

* * * * *

V. Methadone is permitted to be administered or dispensed only for the detoxification or temporary maintenance treatment of hospitalized patients, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of narcotic dependence for more than 21 days, the procedure passes from treatment of the acute withdrawal syndrome, i.e., detoxification, to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone treatment programs. This does not preclude the temporary maintenance treatment of a narcotic-dependent person who is hospitalized for treatment of medical conditions other than narcotic dependence, who requires maintenance treatment during the critical period of his stay, and whose enrollment in an approved methadone treatment program has been verified.

* * * * *

X. In detoxification treatment, methadone may be administered or dispensed, but not

prescribed. Methadone supplies obtained under approval of this application cannot be used in a detoxification procedure until the hospital has registered with the Drug Enforcement Administration to use narcotic drugs in the treatment of narcotic dependence. Methadone obtained under approval of this application (check one) will ____, will not ____, be used for inpatient detoxification treatment when such a procedure is intended solely for the treatment of narcotic dependence, i.e., when inpatient detoxification treatment is not used as an adjunct to other medical or surgical conditions.

Signature _____
(Hospital Official)

Interested persons may, on or before June 28, 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 22, 1976.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.76-12414 Filed 4-28-76;8:45 am]

[21 CFR Part 310]

[Docket No. 76N–0098]

CONDITIONS FOR USE OF METHADONE

Physiologic Dependence, Staffing and Urine Testing Requirements

The Food and Drug Administration (FDA) is proposing to amend the new drug regulation establishing the conditions for use of methadone (21 CFR 310.505) to adopt recommendations of the Methadone Treatment Policy Review Board concerning requirements for physiologic dependence of patients, physician staffing, and urine testing in methadone maintenance programs. Interested persons have until June 28, 1976 to submit comments.

The Methadone Treatment Policy Review Board (MTPRB), which is an interagency committee consisting of representatives of the National Institute on Drug Abuse (NIDA), the Drug Enforcement Administration, the Veterans Administration, and FDA, was established to review and recommend policy in connection with treatment of narcotic addiction with methadone.

On September 9, 1974, the MTPRB held a special meeting at the Special Action Office for Drug Abuse Prevention, Executive Office of the President. The meeting was requested by Dr. Edward Senay of the Illinois Drug Abuse Program; he and a group of similarly interested practitioners in the drug abuse treatment field presented their concerns and problems regarding the current methadone regulations. In addition to Dr. Senay, other nongovernment participants included Dr. Robert Newman (New York City Treatment Programs), Dr. Paul Blachley (Professor of Psychiatry, University of Oregon Medical School), Dr. William Wieland (Georgia Drug Abuse Programs), and Dr. Vernon Patch (Boston, Massachusetts Methadone Treatment Program).

They recommended, among other things, elimination of the 2-year addiction requirement for maintenance treatment eligibility, reduction in minimum physician staffing, reduction in the frequency of urine testing, and a change in the dosage form required to be administered and dispensed. Although MTPRB did not agree with all of the changes proposed by the group, after considering their comments, as well as those expressed by other medical directors of methadone programs who attended the six regional Methadone Medical Staff Seminars sponsored by NIDA, MTPRB concluded that several recommendations warranted consideration by the Commissioner of Food and Drugs. Based upon MTPRB's recommendations and the Commissioner's comments regarding them, proposed regulations were prepared by FDA and discussed with MTPRB during meetings held on February 25, 1975; April 3, 1975; April 24, 1975; June 19, 1975; and July 29, 1975. Memoranda of these meetings and the meeting held on September 9, 1974 and the summary of the Methadone Medical Staff Seminars are on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Changes proposed in § 310.505 are as follows:

1. Section 310.505(d)(3)(ii) of the methadone regulations requires that a person must have been dependent upon heroin or other morphine-like drugs at least 2 years before admission to methadone maintenance treatment. The primary purpose of this requirement is to ensure that persons who have not been continuously dependent upon heroin or other morphine-like drugs are not given methadone for an indefinite period of time so that they thereby become dependent upon methadone. There has been a great deal of objection to this requirement. Many physicians believe that the determination of whether a person is dependent upon narcotic substances and the length of time that person should receive methadone should be left to the clinical expertise of the attending physician. At the recent regional conferences held throughout the country by NIDA, medical directors of methadone programs expressed the belief that the 2-year addiction requirement was the one provision in the methadone regulation most in need of change.

MTPRB has considered whether the 2-year addiction history requirement should be retained in the methadone regulation. The consensus was that it is premature to remove completely any time requirement for eligibility for maintenance treatment. MTPRB concluded, however, that the concern that substantial numbers of persons who were not addicted to narcotics would obtain and become dependent upon methadone through methadone treatment programs was unfounded. MTPRB also considered the complaint that any time requirement for eligibility for maintenance treatment can be arbitrary in nature. In view of the above, MTPRB concluded that the interests of both drug-dependent persons and treatment programs would be better served by requiring a shorter time period for eligibility for methadone maintenance treatment. Therefore, upon the recommendation of MTPRB, the Commissioner is proposing to amend § 310.505(d)(3)(ii) to reduce the current 2-year addiction requirement to a requirement that a person must have been dependent on heroin or other morphine-like drugs for at least 1 year before admission to methadone maintenance treatment. This is not intended to imply that everyone with a 1 year history of addiction should be placed on methadone maintenance for an indefinite period of time. However, it does allow physicians more flexibility in admitting patients to methadone maintenance treatment than is now permitted under the current regulation. For consistency with the change, the Commissioner is also proposing other amendments in § 310.505, in paragraphs (d)(3)(iii)(*a*), (d)(3)(iv)(*b*), (k)(1), and (k)(2).

2. Section 310.505(d)(3)(iii) provides for limited exceptions to the physiologic addiction standards. Under the current regulation, if a person in methadone maintenance treatment is detoxified but subsequently maintains that he is unable to remain drug free, that person is not permitted to be readmitted into methadone maintenance treatment unless exceptional circumstances are documented because he is not considered to be currently physiologically dependent upon narcotics. It was the consensus of MTPRB that this restriction may discourage many patients from attempting methadone detoxification, or conversely, it may encourage those who have been detoxified to revert to illicit drug use. Therefore, upon the recommendation of MTPRB and to ameliorate the potentially negative effects of the current physiologic addiction requirement, the Commissioner is proposing to amend § 310.505(d)(3)(iii) by adding a specific exception to the physiologic addiction standards, which would permit a person who has been detoxified from methadone maintenance to be readmitted to methadone maintenance treatment at any time up to 30 days after discharge from such treatment. Justification for this exception shall be noted in the patient's record. The Commissioner believes that a patient who returns to treatment may often be stabilized on a lower dose of methadone than his previous maintenance dose. He concludes that it is inappropriate for the physician categorically to assign the patient his previous maintenance dose without first clinically reassessing the dose level. In this situation, the physician shall be required to evaluate the patient's need to continue in maintenance treatment, determine the patient's new dosage requirements, and record this clinical reassessment in the

patient's records. To be consistent, the Commissioner also proposes to amend § 310.505(k)(1), in Form FD–2632 VI.C. and paragraph (k)(2), in Form FD–2633 III.C. by adding this exemption to the physiologic addiction standards in those forms.

3. Another area of concern regarding the methadone regulations is in § 310.505 (d)(4), which requires that one full-time physician for every 300 patients be present at the treatment program. The Commissioner has been informed that many programs have had difficulty hiring physicians on even a part-time basis. It has been suggested by treatment program officials that the time spent in the program by other health care professionals, such as physician assistants and nurse practitioners, be applied toward the required physician time. MTPRB considered this suggestion and recommended to the Commissioner that it be adopted. The Commissioner agrees and proposes to amend § 310.505(d)(4) to allow health care professionals, such as physician assistants and nurse practitioners who are duly registered with or licensed by the State Board of Medical Examiners and/or the equivalent State agency, to perform certain medical functions within the limitations authorized by State law, under the direction and supervision of a licensed physician. The time spent by such personnel performing such functions under the supervision of a licensed physician may be applied toward satisfying physician-staffing requirements. This provision will only be valid if health care professionals are supervised by a licensed physician who has or registered health care professionals the responsibility to accept or reject a patient. Activities performed by licensed may be used to satisfy up to 65 percent of the physician-staffing requirements.

Written comments and evaluations resulting from examination and treatment of individual patients by health care professionals shall be reviewed, signed, and dated by a licensed physician to establish that this information has been considered in the medical management of the patient. Time spent by the health care professionals in activities normally performed by nurses and counselors may be counted toward the staffing requirements of nurses and counselors.

Any medical function performed by a health care professional must be a function that the health care professional has been trained to perform and is authorized by the Controlled Substances Act (21 U.S.C. 801) and the implementing regulations, and by the State laws governing the licensure or registration of such personnel. FDA has no authority to permit any personnel to engage in activities that are not authorized by Federal or State law. Currently, under § 1301.74(i) (21 CFR 1301.74(i)) of the regulations promulgated by the Department of Justice, Drug Enforcement Administration (DEA), pursuant to the Narcotic Addict Treatment Act of 1974, methadone may be administered or dispensed at a methadone treatment center to the patient only by (1) the licensed practitioner, (2) a registered nurse under the direction of the licensed practitioner, (3) a licensed practical nurse under the direction of the licensed practitioner, or (4) a pharmacist under the direction of the licensed practitioner. In view of such language, other licensed or registered health care professionals may not administer or dispense methadone to patients in a methadone treatment program, even if permitted by State law governing the licensure or registration of such personnel. The provisions of § 1301.74(i) have been discussed by MTPRB, and they have recommended to DEA that the section be amended to permit other health care professionals to administer or dispense methadone. DEA is currently considering this recommendation. Recognizing that health care professionals not covered by § 1301.74(i) may not currently administer methadone, the Commissioner has included in the proposal the provision that "any other health care professional authorized by Federal and State laws" may administer or dispense methadone in a methadone treatment program. The inclusion of this phrase in this proposal is to solicit comments on this point in the event DEA amends the requirements of § 1301.74(i). If DEA deems it inappropriate to amend § 1301.74(i), the reference to other health care professionals will be omitted from FDA's final regulation. Despite these proposed changes, it must be emphasized that in every case the licensed physician staff member shall be responsible for the following: He shall be required to make the final decision whether to accept a patient for methadone treatment; he shall verify the patient's length of history of narcotic dependence; he shall document current physiologic dependence; and he shall establish and change methadone or other prescription dosages administered or dispensed in the course of narcotic addiction treatment. For consistency, the Commissioner is proposing to amend § 310.505 in paragraphs (d)(6)(i)(*d*); (k)(1), Form FD–2632 IX.A.5.; and (k)(2), Form FD–2633 VI.A.5. by adding provision for licensed physicians and other health care professionals to the list of agents of the practitioner who may administer or dispense methadone, when such practice is permitted by Federal and State law.

4. Section 310.505(d)(7)(ii) currently requires that urinalysis be performed randomly, and at least weekly for morphine and monthly for methadone, barbituarates, amphetamines, and other drugs as indicated. Numerous comments have been received by NIDA, MTPRB and FDA regarding the need for this requirement. Some people believe that urine testing is of little or no value. Others are of the opinion that urine testing, if used appropriately, can be an effective tool in the evaluation of a methadone patient's performance in treatment. Still others believe that the methadone regulation should require urine testing on a more frequent basis. MTPRB has considered these comments and has recommended to the Commissioner that, in certain circumstances, it would be permissible to reduce the frequency of urine testing and analysis.

Therefore, upon the recommendation of MTPRB, the Commissioner is proposing to amend § 310.505 by adding new paragraph (d)(7)(ii)(*d*) and (*e*) and by adding a sentence to items IX.B. of Form FD–2632 in § 310.505(k)(1) and VI.B. of Form FD–2633 in paragraph (k)(2) to provide that urinalysis need be performed monthly for persons who have been in maintenance treatment for a continuous period of 6 months and whose urinalysis results for the previous 3 months have always been negative for all drugs except methadone or any other drug that is being taken under the supervision of a physician. This monthly urinalysis must be performed randomly to minimize opportunities for falsification.

Further, the monthly urinalysis shall test for morphine as well as for methadone, barbiturates, amphetamines, and other drugs, as indicated. If at any time the urinalysis results for such a patient is positive for any drug other than methadone and/or other drug(s) prescribed by the physician, the patient shall be returned to a weekly urinalysis schedule for the drug for which a positive test occurred until the patient's urinalysis have again been negative for a period of 3 months. It is recommended that the program management be particularly watchful for the need to test for other drugs during the 3 months that a patient is being screened in followup to the positive urinalysis.

This proposed requirement is optional and shall not prohibit any State or any program from requiring urinalysis on a more frequent basis. Irrespective of the frequency of testing, all urinalyses results shall be recorded in the patient's record.

The Commissioner submits that these proposed revisions will provide more flexibility in program requirements and treatment procedures while not altering the more stringent requirements that duly authorized State or local agencies find necessary for their geographic area. As with the current regulation governing conditions for the use of methadone, the proposed amendments constitute minimal requirements necessary to maintain FDA approval of treatment programs using methadone.

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 the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053, as amended, 1055–1056 (21 U.S.C. 355, 371(a))); the Public Health Service Act (sec. 303(a), 60 Stat. 423, as amended (42 U.S.C. 242a (a))); the Comprehensive Drug Abuse Prevention Control Act of 1970 (sec. 4, 84 Stat. 1241 (42 U.S.C. 57a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 310 in § 310.505 as follows:

By revising paragraphs (d)(3)(ii), (d)(3)(iii)(*a*); (d)(3)(iv)(*b*), (d)(4), and (d)(6)(i)(*d*); by adding paragraphs (d)(3)(iii)(*c*) and (d)(7)(ii)(*d*) and (*e*); and by amending paragraph (k)(1) by revising items VI.B., C., D. and IX.A.5. and B., of Form FD–2632 therein and by amending paragraph (k)(2) by revising items III.B., C., and D., and VI.A.5. and B. of Form FW–2633 therein.

§ 310.505 Conditions for use of methadone.

* * * * *

(d) * * *

(3) * * *

(ii) *Physiologic addiction standards; records.* The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs for at least 1 year prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence shoud be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (e.g., medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

(iii) * * *

(*a*) Maintenance treatment may be indicated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution, if an individual has a predetention history of dependence upon heroin or other morphine-like drugs for at least 1 year prior to admission to the institution.

* * * * *

(*c*) A patient who is detoxified from methadone maintenance treatment may be readmitted to maintenance treatment within 30 days after the patient's discharge from such treatment, despite the fact such patient is no longer currently addicted to heroin or other morphine-like substances. In such cases the physician shall evaluate the patient's need to continue in maintenance treatment, determine the patient's new dosage requirements, and record this clinical reassessment in the patient's record.

(iv) * * *

(*b*) Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on the date of publication of this regulation (December 15, 1972) may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after the date of publication of this regulation (December 15, 1972) unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs Form FD–2635 "Consent to Methadone Treatment," set forth in paragraph (k)(4) of this section. Methadone treatment of new patients between the ages of 16 and 18 years will be permitted after December 15, 1972, only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs for 1 year or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after December 15, 1972, but these patients may be detoxified and retained in the program in a drug free state for follow-up and after care.

* * * * *

(4) *Staffing requirements.* As a minimum standard for the staffing of a treatment program there shall be the equivalent of one full-time physician licensed by and registered by State or Federal law to order, dispense, and administer methadone, two nurses (registered nurse or licensed practical nurse), and four counselors, for every 300 patients receiving maintenance treatment. The staffing pattern may be varied to fit the operational pattern and population characteristics of the program, but there shall always be at least one medical or osteopathic physician available for initial medical evaluation and follow-up care and to supervise the patient medication schedules for each 300 patients. This staffing pattern is not the recommended pattern, but the minimum staffing pattern acceptable. In those States that license or register qualified health care personnel, e.g., physician assistants, nurse practitioners, etc., to perform certain medical functions under the supervision of a licensed physician, e.g., conducting medical examinations, recording medical histories, etc., the time spent by such licensed or registered health care professionals performing services normally provided by a licensed physician may be applied toward satisfying up to a maximum of 65 percent of the physician-staffing requirements. The licensed physician staff member shall, however, make the final determination whether to accept a patient for methadone treatment; he shall determine the patient's length of history of narcotic dependence; he shall document current physiologic dependence; and he shall establish and change methadone or other prescription dosages as necessary. Written comments and evaluations resulting from examination and treatment of individual patients by supervised health care professionals shall be reviewed, signed, and dated by a licensed practitioner before an existing course of treatment is changed, to establish that this information has been considered in the medical management of the patient. Time spent by the health care professionals in activities normally performed by nurses and counselors may be counted toward the staffing requirements of nurses and counselors. All medical functions that are performed by licensed or registered health care professionals must be functions that are authorized under the Controlled Substances Act and the implementing regulations and State laws governing the licensure or registration of such personnel.

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(6) * * *

(i) * * *

(d) Authorized dispensers of methado

(*d*) *Authorized dispensers of methadone; responsibility.* Methadone shall be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner supervised by and pursuant to the order of the practitioner. This agent shall be another licensed practitioner, a pharmacist, registered nurse, licensed practical nurse, or any other health care professional authorized by Federal and State law to administer or dispense narcotic substances. The licensed physician responsible for ordering the use of the narcotic drug assumes responsibility for the amounts of methadone administered or dispensed, and all changes in dosage schedules shall be recorded and signed by the licensed physician.

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(7) * * *

(ii) * * *

(*d*) *Exceptions.* For those patients who have been in methadone maintenance treatment for a continuous period of 6 months and whose urinalyses results have always been negative for the prior 3 months for all drugs except methadone or other drugs taken under the supervision of a physician, urinalysis shall be performed on a random basis at least monthly for morphine as well as for methadone, barbiturates, amphetmines, and other drugs, as indicated. If at any time the urinalysis results for such patient is positive for a drug other than

methadone and/or other drug(s) prescribed by a physician, the patient shall be returned to a weekly urinalysis schedule for the drug for which a positive test occurred until the time the patient's urinalyses have again been negative for a period of 3 months. The program management should be watchful for the need to test for other drugs during the 3 months that a patient is being screened in followup to the positive urinalysis.

(e) *Recording results.* The results of all urinalyses shall be recorded in the patient's clinical record.

* * * * *

(k) * * *
(1) * * *
VI. * * *

B. I concur that the mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not dependent upon heroin or other morphine-like drugs for at least 1 year prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. (Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation—(medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.)

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs or to the age limitation will be allowed under the following exceptional circumstances: (1) Methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution if an individual has a predetention history of dependence upon heroin or other morphine-like drugs for at least 1 year prior to admission to the institution, or (2) pregnant patients, regardless of age or prior addiction history, but otherwise eligible for maintenance treatment, may be placed on a maintenance regimen if the Medical Director certifies the pregnancy and, in his judgment, such treatment is medically justified. Within 6 weeks after the termination of the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's records indicating whether the patient should remain in a maintenance program or be detoxified, or (3) a patient who has been detoxified from methadone maintenance treatment may be readmitted to maintenance treatment within 30 days after the patient's discharge from such treatment despite the fact that the person is no longer currently addicted to heroin or other morphine-like substances. In such cases the physician shall evaluate the patient's need to continue maintenance treatment, determine the patient's new dosage requirement, and record this clinical reassessment in the patient's record. Justification for any of the above exceptions shall be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1973 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD–2635 "Consent to Methadone Treatment." Methadone treatment of new patients between the ages of 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphone-like drugs for at least 1 year or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

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IX. * * *
A. * * *

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be another licensed physician, a pharmacist, registered nurse, licensed practical nurse or any other health care professional, pending upon Federal or State regulations regarding narcotic drug dispensing and administering. The licensed practitioner responsible for ordering the use of the narcotic drug assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

* * * * *

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for testing must participate in and be approved by any proficiency testing program designated by the Food and Drug Administration.

Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration. For those patients who have been in methadone maintenance treatment for a continuous period of 6 months and whose urinalyses results have always been negative for the prior 3 months for all drugs except for methadone and other drugs taken under the supervision of the physician, urinalysis shall be performed on a random basis at least monthly for morphine as well as for methadone, barbiturates, amphetamines, and other drugs, as indicated. If at any time the urinalysis results for such patient is positive for a drug other than methadone and/or other drug(s) prescribed by the physician, the patient shall be returned to a weekly urinalysis schedule for the drug for which a positive test occurred until the time the patient's urinalyses have again been negative for a period of 3 months. The program management should be watchful for the need to test for other drugs during the 3 months that a patient is being screened in followup to the positive urinalysis.

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(2) * * *
III. * * *

B. The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not dependent upon heroin or other morphine-like drugs for at least 1 year prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs or to the age limitations will be allowed under the following exceptional circumstances: (1) Methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution if an individual has a predetention history of dependence upon heroin or other morphine-like drugs for at least 1 year prior to admission to the institution, or (2) pregnant patients, regardless of age or prior addiction history, but otherwise eligible for maintenance treatment, may be placed on a mainteance regimen if the Medical Director certifies the pregnancy and, in his judgment, such treatment is medically justified. Within 6 weeks after the termination of the pregnancy, the physician shall enter an evaluation of the patient's treatment state into the patient's records indicating whether the patient should remain in a maintenance program or be detoxified, or (3) a patient who has been detoxified from methadone maintenance treatment may be readmitted to maintenance treatment within 30 days after the patient's discharge from such treatment despite the fact that the person is no longer currently addicted to heroin or other morphine-like substances. In such cases a physician shall evaluate the patient's need to continue in maintenance treatment, determine the patient's new dosage requirement, and record this clinical reassessment in the patient's record. Justification for any of the above exceptions shall be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1970 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD–2635, "Consent to Methadone

Treatment". Methadone treatment of new patients between ages 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs for 1 year or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date, but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

* * * * *

VI. * * *

5. Methadone will be administred or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be another licensed physician, a pharmacist, registered nurse, a licensed practical nurse or any other health care professional depending upon Federal or State regulations regarding narcotic drug dispensing and administering. The licensed practitioner responsible for ordering the use of the narcotic drug assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

* * * * *

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for urine testing shall participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration. For those patients who have been in methadone maintenance treatment for a continuous period of 6 months and whose urinalyses results have always been negative for the prior 3 months for all drugs except for methadone and other drugs taken under the supervision of a physician, urinalysis shall be performed on a random basis at least monthly for morphine as well as for methadone, barbiturates, amphetamines, and other drugs, as indicated. If at any time the urinalysis results for such patient is positive for a drug other than methadone and/or other drug(s) prescribed by a physician, the patient shall be returned to a weekly urinalysis schedule for the drug for which a positive test occurred until the time the patient's urinalyses have again been negative for a period of 3 months. The program management should be watchful for the need to test for other drugs during the 3 months that a patient is being screened in followup to the positive urinalysis.

Interested persons may, on or before June 28, 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. It will be helpful to the Commissioner, in making a final decision on the foregoing proposal, to evaluate accumulated factual data which may be submitted by interested persons in connection with comments supporting or opposing the proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 22, 1976

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.76-12415 Filed 4-28-76;8:45 am]

[21 CFR Part 630]

[Docket No. 76N-0089]

ERYTHROCEBUS PATAS MONKEY KIDNEY TISSUE CULTURE PREPARATIONS

Safety Testing of Certain Virus Vaccines

The Food and Drug Administration (FDA) is proposing to amend the biologics regulations to permit the use of kidney tissues from *Erythrocebus patas* monkeys as an alternative to kidney tissues from *Cercopithecus* monkeys in the safety testing of Measles Virus Vaccine, Live, Attenuated; Mumps Virus Vaccine, Live; and Rubella Virus Vaccine, Live. Interested persons have until June 28, 1976 to submit comments.

The biologics regulations governing the manufacture of Measles Virus Vaccine, Live, Attenuated, require in paragraph (a) (3) of § 630.35 *Test for Safety* (21 CFR 630.35(a)(3)) that the virus pool shall be tested for adventitious agents in *Cercopithecus* monkey kidney tissue culture preparations. Similarly, by reference to § 630.35(a)(3), the regulations concerning safety testing of Mumps Virus Vaccine, Live in § 630.55(a)(3) (21 CFR 630.55(a)(3)), and Rubella Virus Vaccine, Live in § 630.65(a)(3) and (c)(3) (21 CFR 630.65(a)(3) and (c)(3)) require testing in *Cercopithecus* monkey kidney tissue culture preparations.

The Commissioner has received a license application for the manufacture of Rubella Virus Vaccine, Live, in which the applicant has proposed to use kidney tissue culture preparations derived from *Erythrocebus patas* monkeys in place of kidney tissue from *Cercopithecus* monkeys for the safety testing prescribed in § 630.65(a)(3) and (c)(3).

On the basis of data submitted by the applicant and other relevant material, the Commissioner of Food and Drugs finds that for safety testing, kidney tissue from *Erythrocebus patas* monkeys is equivalent in sensitivity to kidney tissue from *Cercopithecus* monkeys. In addition, published data from testing with the *Erythrocebus patas* monkey indicate the following:

1. Kidney tissue cultures from *Erythrocebus patas* monkeys are relatively free of detectable viruses. Therefore, the kidney tissue cultures are highly suitable for the detection of adventitious agents in test fluids.

2. To date, no agent capable of inducing an infection that is transmissible to humans has been found in *Erythrocebus patas* monkeys.

3. When compared to cells derived from several species of *Cercopithecus* monkeys, kidney cells derived from *Erythrocebus patas* monkeys are equivalent in sensitivity to a variety of human viruses, e.g., all three types of poliovirus, Coxsackie B virus, and several types of echovirus.

4. It has been demonstrated that kidney cells derived from *Erythrocebus patas* monkeys support the growth of measles and rubella viruses.

5. Use of kidney tissue from *Erythrocebus patas* monkeys in place of kidney tissue from *Cercopithecus* monkeys will not affect detection of human pathogenic viral contaminants, like myxoviruses, rhinoviruses, echoviruses, herpes simplex virus, respiratory syncytial virus, varicellazoster virus, Coxsackie A virus, and arboviruses.

For the enumerated reasons, and because use of *Erythrocebus patas* monkeys provides an additional source of monkeys for laboratory testing, the Commissioner proposes to permit use of kidney tissue from *Erythrocebus patas* monkeys as an alternative to kidney tissue from *Cercopithecus* monkeys for the safety testing of Rubella Virus Vaccine, Live, Attenuated, as requested in the license application, and also for the safety testing of Measules Virus Vaccine, Live, Attenuated, and Mumps Virus Vaccine, Live.

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

Therefore, under the Public Health Service Act (Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 630 be amended in § 630.35 by revising paragraph (a)(3) to read as follows:

§ 630.35 Test for safety.

(a) * * *

(3) *Inoculation of monkey tissue cell cultures.* A volume of virus suspension of each undiluted virus pool, equivalent to at least 500 human doses or 50 milliliters, whichever represents a greater volume, shall be tested for adventitious agents in *Cercopithecus* monkey kidney tissue culture preparations or *Erythrocebus patas*

monkey kidney tissue culture preparations, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian, and nonchicken origin. The immunizing antigen used for the preparation of the measles antiserum shall be grown in tissue culture cells that shall be free of extraneous viruses which might elicit antibodies that could inhibit growth of extraneous viruses present in the measles virus pool. The tissue culture of the virus pool shall be observed for no less than 14 days. The virus pool is satisfactory for measles virus vaccine only if all the tissue culture tests fail to show evidence of any extraneous transmissible agent other than measles virus attributable to the vaccine.

* * * * *

Interested persons may, on or before June 28, 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 22, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-12416 Filed 4-28-76;8:45 am]

Public Health Service

[42 CFR Part 51]

GRANTS TO STATES FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

State Allotments for Hypertension Programs

Notice is hereby given that the Assistant Secretary for Health, with approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 51, Subpart B of Title 42, Code of Federal Regulations by adding to section 51.103 *State allotments* a paragraph (b) *Hypertension.* The purpose of this new paragraph is to provide the basis for allotting to the States the sums appropriated under Section 314(d)(7)(B) of the Public Health Service Act (42 U.S.C. Section 246(d)(7)(B)) for establishing and maintaining programs for the screening, detection, diagnosis, prevention, and referral for treatment of hypertension. Section 314(d)(4) provides that the allotments to States under this section be made in accordance with regulations. In addition, a clarifying change in section 51.104 is proposed.

The proposed section 51.103(b) would distribute a portion of the amount available among the States on the basis of population at a level of $1 per person up to a maximum of 10,000 persons. This would provide a minimum amount to each State to make implementation of a program feasible. The remainder would be distributed to each State on the basis of financial need, which would be determined by weighting the State's proportion of the total hypertensive population in the United States by the latest available estimates of the State's per capita personal income from the Department of Commerce. Each State's hypertensive population would be estimated from the findings of the Health Examination Survey conducted by the National Center for Health Statistics or from other appropriate sources. This latter provision of the formula takes into account the fact that a State's need for such funds is a function, in part, of the extent of the hypertensive problem within the State and reflects the congressional concern that the funds be used to reduce the toll of the disease. The revision of section 51.104(a) would clarify that the allocation requirement of this section only applies to the State allotment under section 51.103(a).

In accordance with the requirements of Section 314(g) of the Public Health Service Act, a conference of State health and mental health authorities was consulted regarding the proposed regulation.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed regulations to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-17, 5600 Fishers Lane, Rockville, Md. 20852, on or before June 1, 1976. All comments received in timely response to this notice will be considered and will be available for public inspection in the above named office during regular business hours.

It is therefore proposed to amend Part 51, Subpart B of Title 42 by adding a new paragraph (b) to section 51.103 and revising paragraph (a) of section 51.104, as set forth below, effective as of January 1, 1976.

Dated: April 2, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 51, Subpart B, is proposed to be amended as follows:

1. By adding a new paragraph (b) to § 51.103 as follows:

§ 51.103 State allotments.

* * * * *

(b) *Hypertension.* The sums appropriated each fiscal year under section 314(d)(7)(B) of the Act for hypertension programs shall be allotted among the State health authorities in the following manner:

(1) A portion of the amount available shall be allotted on the basis of population (as determined from the latest available estimate from the Department of Commerce) as follows: Each State shall receive $1 per person of its population, up to a maximum of 10,000 persons.

(2) The remainder of the amount available shall be allotted on the basis of financial need, as follows: Each State shall receive a portion of such remainder which bears the same ratio to the total of such remainder as the product of its hypertensive population (as determined from findings of the Health Examination Survey conducted by the National Center for Health Statistics, or from other appropriate sources, utilizing such indicators as age, race, and sex), weighted by the latest available estimates of State per capita personal income from the Department of Commerce, bears to the sum of the products so obtained for all States.

2. By revising paragraph (a) of § 51.104 to read as follows:

§ 51.104 Allocation of allotments for mental health.

(a) *General.* The Secretary shall allocate 15 percent of each State's allotment for each fiscal year under section 51.103(a) of this subpart or $60,000 of such allotment, whichever is greater, to the State mental health authority and the remainder of such allotment to the State health authority.

* * * * *

(Sections 215, 314(d), Public Health Service Act, 58 Stat. 690, as amended, 89 Stat. 304 (42 U.S.C. 216, 246(d)))

[FR Doc.76-12476 Filed 4-28-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15621]

AIRWORTHINESS DIRECTIVE

Messerschmitt-Bolkow-Blohm Model BO-105A and BO-105C Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Messerschmitt - Bolkow - Blohm (MBB) Model BO-105A and BO-105C helicopters. There have been reports of cracks occurring in the flanges of the right-hand engine mount assembly. Failure of the assembly could result in a substantial loss of power to the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require replacement of the right outboard engine mount flanges and washers with flanges and washers of improved design on MBB Model BO-105A and BO-105C heliicopters.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on

or before June 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to Model BO-105A and BO-105C helicopters, Serial Numbers 1 through 280, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

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

(a) For helicopters with 500 hours or less total time in service on the effective date of this AD, comply with paragraph (c) of this AD before the accumulation of 600 hours total time in service.

(b) For helicopters with more than 500 hours total time in service on the effective date of this AD, comply with paragraph (c) of this AD within the next 100 hours time in service.

(c) Determine the part numbers of the existing right outboard engine mount flanges and washers and their corresponding replacement flanges and washers and replace the existing flanges and washers with the new flanges and washers in accordance with paragraph 2 entitled "Accomplishment Instructions" of MBB BO-105 Service Bulletin No. 60-25, Revision 1, dated October 13, 1975, or an FAA-approved equivalent.

Issued in Washington, D.C., on April 20, 1976.

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

[FR Doc.76-12031 Filed 4-28-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-25]

BUFFALO, OKLAHOMA

Designation of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Buffalo, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 1, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

BUFFALO, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo Municipal Airport, Buffalo, Okla. (latitude 36°51'45" N., longitude 99° 37'00" W.), within 3.5 miles each side of the 005° bearing from the Buffalo NDB (latitude 36°51'48" N., longitude 99°37'05" W.), extending from the 6-mile radius to 11.5 miles north of the NDB.

Designation of a transition area at Buffalo, Okla., will provide additional controlled airspace to encompass the proposed NDB RWY 17 (Original) instrument approach procedure to the Buffalo Municipal Airport.

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

Issued in Fort Worth, TX., on April 19, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-12032 Filed 4-28-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-26]

HOMER, LA.

Designation of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Homer, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 1, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 F.R. 440), the following transition area is added:

HOMER, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Homer Municipal Airport (latitude 32°47'19" N., longitude 93°00'13" W.) and within 3.5 miles each side of the Homer, La., Municipal Airport NDB (latitude 32°47'24" N., longitude 93°00'02" W.) 296° bearing extending from the 6.5-mile-radius area to a point 12.0 miles west of the NDB.

The transition area will provide additional controlled airspace for the proposed NDB RWY 12 (Original) instrument approach procedure to the Homer Municipal Airport.

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

Issued in Fort Worth, TX, on April 19, 1976.

[FR Doc.76-12033 Filed 4-28-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-RM-4]

BOWMAN, NORTH DAKOTA

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Bowman, North Dakota.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before June 1, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences

must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public instrument approach procedure has been developed using a non-Federal, non-directional radio beacon at Bowman, North Dakota. It is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In Federal Aviation Regulation Part 71.181 (41 F.R. 440) add the following transition area:

BOWMAN, NORTH DAKOTA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Bowman Municipal Airport (latitude 46°11'15" N., longitude 103°25'15" W.); and that airspace extending upward from 1200 feet above the surface within 9.5 miles south and 4.5 miles north of the 311° T bearing from the Bowman NDB (latitude 46°10'26" N., longitude 103°25'03" W.) extending from 6.5 mile radius area to 18.5 miles northwest; and within 9.5 miles north and 4.5 miles south of the 123° T bearing from the Bowman NDB extending from the 6.5 mile radius area to 18.5 miles southeast; and within 5 miles each side of the 212° T bearing from the Bowman NDB extending from the 6.5 mile radius area to 35 miles southwest; and within 5 miles each side of 034° T bearing from the Bowman NDB extending from the 6.5 mile radius area to the Dickinson, North Dakota VORTAC.

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

Issued in Aurora, Colorado, on April 16, 1976.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.76-12273 Filed 4-28-76;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 76-NW-7]

FEDERAL AIRWAY AND RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a north alternate to V-298 between, Yakima, Wash., and Pasco, Wash., and redefine Restricted Area R-6714.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before June 1, 1976 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would designate a north alternate to V-298 between Yakima, Wash., and Pasco, Wash., with a reduced width of 3NM on the north side from the Pasco VOR to a point 13NW northwest to exclude R-6715 and would redefine R-6714 by designating a Subpart C to the restricted area to permit the use of the proposed north alternate on a joint use basis. The redefinition of R-6714 would also omit a small portion of the area north of Latitude 46°51'00" N, because it is no longer needed or used by the military.

Restricted Area R-6714 would be redescribed as follows:

R-6714A YAKIMA, WASHINGTON

Boundaries. Beginning at Latitude 46°51'00" N, Longitude 119°58'00" W; along the west shore of the Columbia River to Latitude 46°42'30" N, Longitude 119°58'30" W; to Latitude 46°33'00" N, Longitude 120°04'-09" W; to Latitude 46°37'00" N, Longitude 120°20'00" W; to Latitude 46°40'35" N, Longitude 120°26'35" W; to Latitude 46°-43'00" N, Longitude 120°26'38" W, to Latitude 46°51'00" N, Longitude 120°21'30" W; to point of beginning.

R-6714B YAKIMA, WASHINGTON

Boundaries. Beginning at Latitude 46°42'30" N, Longitude 119°58'15" W; along the west shore of the Columbia River to Latitude 46°38'30" N, Longitude 119°55'30" W; to Latitude 46°33'00" N, Longitude 119°55'-30" W; to Latitude 46°33'00" N, Longitude 120°04'00" W; to point of beginning.

R-6714C YAKIMA, WASHINGTON

Boundaries. Beginning at Latitude 46°33'00" N, Longitude 120°04'00" W; to Latitude 46°33'00" N, Longitude 120°09'00" W; to Latitude 46°37'00" N, Longitude 120°20'00" W; to point of beginning.

There is a demonstrated need for a direct airway between Yakima and Pasco to accommodate scheduled daily flights that operate between the two terminals. These flights, at their request, currently operate between the two terminals by radar vectors. Designation of the air way would permit direct route flight plan filing, and improve ATC efficiency by providing users an optimum route without the need for ATC radar vector service.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 23, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-12412 Filed 4-28-76;8:45 am]

[14 CFR Part 107]

[Docket No. 15573; Notice No. 76-13]

LAW ENFORCEMENT OFFICERS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 107 of the Federal Aviation Regulations to require that Part 107 airport operators have a master security plan which insures that at least one law enforcement officer is present during passenger screening conducted by foreign air carriers under § 129.25 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 14, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 107.4 of the Federal Aviation Regulations requires that Part 107 airport operators have a master security plan which insures that at least one law enforcement officer is present at the point of, prior to, and throughout, the final passenger screening process prior to boarding. This requirement currently applies when screening is conducted by a certificate holder required to have a security program under § 121.538 or by a foreign air carrier that requests such law enforcement support.

At the time that current § 107.4 became effective (December 6, 1972), foreign air carriers were not required to conduct passenger screening. However, under recently adopted § 129.25 (effective October 9, 1975), this requirement was made applicable to foreign air carriers when landing or taking off a large aircraft in the United States in scheduled passenger operations.

Certain international aviation organizations have cited the need for law enforcement assistance to support aviation security programs. In this connection, the Council of the International Civil Aviation Organization (ICAO) adopted Annex 17 to the Convention on International Civil Aviation on March 22, 1974 (effective February 27, 1975). That Annex, entitled "Safeguarding International Civil Aviation Against Acts of Unlawful Interference," calls for the establishment of security programs and related supporting facilities and includes law enforcement assistance as a supporting facility. Similarly, in May of 1974, the International Air Transport Association (IATA) Executive Committee adopted an eight-point security program, the first standard of which reads as follows: "A uniformed armed law enforcement officer should be assigned to screening areas as backup to, and separate from, the guards conducting the search." On April 2 and 3, 1975, the IATA Security Advisory Committee affirmed the need for an armed law enforcement officer at the screening point. The IATA Executive Committee approved this security standard in May of 1975.

The FAA also believes that a uniformed law enforcement officer should be assigned to the passenger screening point. Experience indicates that the presence of one or more law enforcement officers at those points helps to discourage hijacking attempts and other criminal and terrorist acts. Moreover, that presence provides protection for passengers and others present in the area of the screening point.

Therefore, the FAA believes that Part 107 airport operators should amend their security plans to insure that at least one law enforcement officer is present at the point of, prior to and throughout, the final passenger screening process that foreign air carriers now conduct under § 129.25. However, to afford those operators time to comply with such a measure, it is proposed to require that an appropriate amendment to the security plan be submitted within 30 days after the effective date of the amendment to Part 107, and that compliance be achieved after 90 days after the effective date of the amendment to Part 107. On the date that compliance would be required, the new measure would be substituted for the current requirement to provide a law enforcement officer upon the request of a foreign air carrier.

In addition, this proposal would revise current §§ 107.3(a)(2)(i)(*d*), 107.9(b), and 107.11(b)(2) to make applicable to foreign air carriers the provisions regarding access from a nonair operations area to an air operations area. Those provisions currently are applicable to Part 121 certificate holders only. The proposal also would revise the definition of "law enforcement officer," contained in § 107.1(e), to include within that definition persons providing law enforcement support for screening conducted by foreign air carriers under § 129.25.

These amendments are proposed under the authority of §§ 313(a), 601, 606, and 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1426, and 1471) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 107 of the Federal Aviation Regulations as follows:

1. By revising § 107.1(e)(4) to read as follows:

§ 107.1 General.

* * * * *

(e) * * *

(4) Assigned the duty of providing law enforcement support for the preboard screening aspects of the security programs filed by Part 121 certificate holders, for foreign air carriers requesting such support (within 90 days after the effective date of the amendment), for foreign air carriers required to use a security program under § 129.25 of this chapter (after 90 days after the effective date of the amendment), and for airport security programs.

2. By revising § 107.3(a)(2)(i)(*d*) to read as follows:

§ 107.3 Security procedures and facilities and security program.

(a) * * *

(2) * * *

(i) * * *

(*d*) Item (c) of this subdivision does not apply to access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder required to have a security program under § 121.538 of this chapter or a foreign air carrier required to use a security program under § 129.25 of this chapter.

3. By adding a new § 107.3(a)(2)(i)(*e*) and (a)(3) to read as follows:

§ 107.3 Security procedures and facilities and security program.

(a) * * *

(2) * * *

(i) A master security plan that meets the following: * *

(*e*) Sets forth facilities and procedures which insure that—

(*1*) At least one law enforcement officer is present at the point of, and prior to and throughout, the final passenger screening process prior to boarding, for each flight conducted by the following:

(*i*) A certificate holder required to have a security program under § 121.538 of this chapter;

(*ii*) A foreign air carrier that requests such law enforcement support (within 90 days after the effective date of the amendment); and

(*iii*) A foreign air carrier required to use a security program under § 129.25 of this chapter (after 90 days after the effective date of the amendment);

(*2*) The law enforcement officer is present continuously until all doors on the aircraft being boarded are closed and the aircraft has taxied away from the boarding area; and

(*3*) The requirements of (*e*)(*1*) and (*e*)(2) of this subdivision are complied with in the event that the aircraft returns to the boarding area before takeoff.

* * * * *

(3) It shall (within 30 days after the effective date of the amendment) submit for approval by the Administrator an amendment to the master security plan included in its security program that meets the requirements of (*e*)(*1*)(*iii*), (*e*)(2), and (*e*)(*3*) of this subdivision.

* * * * *

§ 107.4 [Reserved]

4. By revoking and reserving § 107.4.

5. By revising § 107.9(b) to read as follows:

§ 107.9 Identification of persons.

* * * * *

(b) The requirement of paragraph (a) of this section does not apply to access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder required to have a security program under § 121.538 of this chapter or a foreign air carrier required to use a security program under § 129.25 of this chapter.

6. By revising § 107.11(b)(2) to read as follows:

§ 107.11 Identification of ground vehicles.

* * * * *

(b) * * *

(2) Access from a nonair operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder required to have a security program under § 121.538 of this chapter or a foreign air carrier required to use a security program under § 129.25 of this chapter.

Issued in Washington, D.C., on April 23, 1976.

RICHARD F. LALLY,
Director,
Civil Aviation Security Service.

[FR Doc.76-12463 Filed 4-28-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI 1095]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Neptune Beach, Florida

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 Neptune Beach, Florida.

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 Neptune Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Neptune Beach, Florida, 32233.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Futch, P.O. Box 700, Neptune Beach, Florida, 32233. 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 in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hopkins Creek	Florida Blvd	5	130	90
	Forest Ave	5	90	170
	Kings Rd	5	190	70

(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 13, 1976.

J. Robert Hunter,
Acting Federal Insurance Administrator.

[FR Doc.76–12191 Filed 4–28–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–1096]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Atlantic Beach, Florida

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 Atlantic Beach, Florida.

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 Atlantic Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Atlantic Beach, Florida, 32233.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William S. Howell, P.O. Drawer 25, Atlantic Beach, Florida, 32233. 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 in feet above Mean sea level	Width, approximate distance in feet from corporate limits to boundary of 100-yr flood, facing downstream from extended road locations to the west
Intracoastal Waterway	Atlantic Blvd	6	540
	West 1st St	6	240
	West 3d St	6	880
	West 6th St	6	120
	West Plaza	6	160
	West 14th St	6	380

(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. 2630, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 13, 1976.

J. Robert Hunter,
Acting Federal Insurance Administrator.

[FR Doc.76–12192 Filed 4–28–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 1097]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Kent County, Delaware

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 Kent County, Delaware.

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, Kent County, Delaware 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 Kent County Courthouse, The Green, Dover, Delaware 19901.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Paskey, Jr., President of the County Levy Court, Kent County Courthouse, The Green, Dover, Delaware, 19901. 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 in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Isaac Branch	Route 13	14	200	150
Mill Creek	Penn Central RR	30	150	220
Puncheon Branch	Route 13	17	500	100
Tidbury Creek	Route 360	16	200	200

(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 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–12193 Filed 4–28–76;8:45 am]

[Docket No. FI 1098]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Wethersfield, Connecticut

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 Town of Wethersfield, Connecticut.

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 Town of Wethersfield 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 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ralph A. De Santis, Town Manager, 505 Silas Deane Highway, Wethersfield, Connecticut 06109. 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 in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Connecticut River	William H. Putnam Memorial Bridge	30	410	(1)
Folly Brook	Stillman Rd	48	100	360
	Jordan Lane	51	30	100
	Nott St	54	490	290
	Wells Rd	63	75	310
Beaver Brook	Middletown Ave	31	(2)	230
	Church St	32	170	220
	Nott St	37	120	260
Goff Brook	Silas Deane Highway	32	180	10
	Maple St	36	30	30
	Griswold Rd	90	250	190
	Copper Mill Rd	121	40	10
	Lantern Lane	145	20	20
	Highcrest Rd	156	50	50
	Highland St	211	100	160
Tributary A	Carriage Hill Dr	92	30	30
	Fox Hill Rd	125	50	50
	Cloverdale Cr	130	30	30
	Copper Mill Rd	150	30	20
2 Stone-Collier Brook	Highland St	109	20	10
	Golf Course Bridge	145	70	60
	Prospect St	157	110	80
	Willow St	169	90	50
	Goff Rd	224	10	10

[1] Outside corporate limits.
[2] Entire street to junction with Maple St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective aJnuary 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 29 F.R. 2787, January 24, 1974.)

Issued: April 13, 1976.

J. ROBER HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–12194 Filed 4–28–76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

Regulation To Clarify the Permissibility of Modification of Banned Hazardous Substances as an Alternative to Repurchase

In this document, the Consumer Product Safety Commission proposes a regulation under the Federal Hazardous Substances Act to make clear that the modification of certain products classified as "banned hazardous substances" is a permissible alternative to repurchase under section 15 of the act if the parties to a transaction involving a "banned hazardous substance" agree to modification of the product.

Section 15 of the act (15 U.S.C. 1274) provides that manufacturers, distributors, and dealers shall repurchase any product which is a "banned hazardous substance" as that term is used in the act in accordance with regulations issued by the Commission. Those regulations were published in the FEDERAL REGISTER on February 4, 1974 (39 FR 4472) and appear at 16 CFR 1500.202.

As defined in section 2(q)(1) of the act (15 U.S.C. 1261(q)(1)), and the regulations issued under the act, the term "banned hazardous substance" refers to two categories of products. One of these is comprised of products intended or suitable for household use containing a substance which is toxic, corrosive, an irritant, a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat, or other means, when those products are found by the Commission to present so great a hazard by their presence or use in households that protection of the public health and safety can only be achieved by keeping such products out of interstate commerce. Illustrative of this category of banned hazardous substances are dry-cleaning fluids intended for household use which contain carbon tetrachloride. A complete listing of similarly banned products appears at 16 CFR 1500.17.

The second category of banned hazardous substances is comprised of toys or other articles intended for use by children which present an electrical, mechanical, or thermal hazard, or which contain or consist of a substance which is toxic, corrosive, an irritant, a strong sensitizer, is flammable or combustible, or which generates pressure through decomposition, heat, or other means, and which may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use.

Section 3(e) of the act (15 U.S.C. 1262(e)) authorizes the Commission to make determinations by regulation that certain toys and other children's articles present an electrical, mechanical, or thermal hazard and are therefore "banned hazardous substances." Among the toys and children's articles which have been the subjects of such regulatory determinations are certain bicycles, cribs, and electrically operated toys. See 16 CFR 1500.18(a)(12) and 16 CFR Part 1512; 16 CFR 1500.18(a)(13) and 16 CFR Part 1508; and 16 CFR 1500.18(b)(1) and 16 CFR Part 1505. The regulations applicable to these, as well as certain other product categories, state that all products within the category are banned unless they meet specific design and performance requirements. Because such a product is a "banned hazardous substance," any manufacturer, distributor, or retailer who has sold the product is required to provide notice and to repurchase it in accordance with the provisions of section 15 of the act and 16 CFR 1500.202.

The Commission is aware that in some cases, the failure of such a product to meet all of the requirements of the applicable regulations, could be corrected by adjusting or repairing the product, or by adding, removing, or replacing one or more of its component parts. The Commission is also aware that in some cases, the interests of manufacturers, distributors, retailers and consumers would be better served if an article which fails to meet the requirements of an applicable regulation were modified to meet all of those requirements rather than repurchased. In some cases, the cost of such a modification would be a small fraction of the purchase price of the article. In other cases, replacement products for the articles subject to repurchase may be difficult or impossible to obtain. In still other cases, the price of the product may have increased greatly since the time the article was obtained by the purchaser, thus lessening the inducement for the purchaser to seek correction of the problem. However, at this time, provisions of 16 CFR 1500.202 do not indicate that any "banned hazardous substance" which has been introduced into interstate commerce may be modified so that it no longer violates a banning regulation, in lieu of repurchase, if the parties to a transaction involving the product are agreeable to the modification.

For this reason, the Commission proposes to add a new section to the regulations issued under the Federal Hazardous Substances Act to provide that if any product which was a "banned hazardous substance" at the time it was introduced into interstate commerce, or which became a "banned hazardous substance" because of some alteration which occurred after its introduction into interstate commerce (but before its sale to an ultimate consumer), is thereafter modified by agreement of the parties involved in the sale or distribution of the product so that it is no longer a "banned hazardous substance," that product shall not be subject to repurchase under provisions of section 15 of the act and 16 CFR 1500.202.

The proposed regulation does not specify that any particular person in the chain of distribution must perform the modification, nor does it require the person who proposes to make the modification to obtain prior approval by the Commission to make such a modification as an alternative to repurchase. Such provisions have been left out of the proposal intentionally so that any person or firm which has manufactured or sold a product which is a banned hazardous substance may devise and implement a plan to modify that product to remove it from the class of products categorized as "banned hazardous substances" under the Federal Hazardous Substances Act and thereby avoid the requirement for repurchase of that product under the act.

Should an instance arise in which a modification undertaken in accordance with the provisions of the proposed regulation is not effective to remove the product from the category of banned hazardous substance, the Commission observes that section 6 of the act (15 U.S.C. 1265) authorizes seizure of any banned hazardous substance introduced into the interstate commerce, and section 8 (15 U.S.C. 1267) authorizes injunctions to restrain violations of the act. The Commission has reason to believe that the remedial options of seizure and injunction are adequate to deal with any modification of a product which is not effective to remove it from classification as a banned hazardous substance.

In addition to providing for modification of a product which is a "banned hazardous substance," the proposed regulation also permits persons in the chain of distribution to vary the notice required by 16 CFR 1500.202 by offering to modify the product as an alternative to repurchase. The proposal also provides that the party originally offering the modification must bear all of the expenses incurred in connection with the modification, except where the parties privately agree to another arrangement.

The Commission emphasizes that the provisions of the regulation proposed below are intended only to provide an alternative to the requirements for repurchase of banned hazardous substances under section 15 of the act and 16 CFR 1500.202. No action taken by any party under provisions of the proposed regulation would excuse any violation of secion 4 of the act (15 U.S.C. 1263) resulting from the introduction of a banned hazardous substance into interstate commerce or from any other transaction prohibited by that section, or prohibit the Commission from seeking any penalty authorized by section 5 of the act (15 U.S.C. 1264) for any violation of section 4. In addition, the provisions of the regulation proposed below do not relieve manufacturers, distributors, retailers of consumer products which are "banned hazardous substances" from their obligation under section 15(b) of the Consumer Product Safety Act (15 U.S.C. 2064(b)) and regulations issued thereunder (16 CFR Part 1115) to notify the Commission of products which have defects that could create a substantial product hazard. Thus, while a person in the chain of distribution of a "banned hazardous substance" may not be required to repurchase the product because it has been modified pursuant to these proposed regulations, he or she is, as stated in 16 CFR Part 1115 (as amended, 40 FR 58449 (December 17, 1975)), under a legal obligation to comply with the notification requirements of section 15 (b) of the Consumer Product Safety Act notwithstanding the fact that the product is being regulated under the Federal Hazardous Substances Act.

The Commission must also stress that the offer of modification provided for in the proposed regulation cannot be forced upon an unwilling party in the chain of distribution, including an ultimate consumer. That is, if a party insists upon his or her repurchase rghts rather than modification, such party is entitled to repurchase.

Provisions of the proposal published below that affect the repurchase requirements are applicable only to those products which have in fact been modified to eliminate that aspect which causes the product to be categorized as a "banned hazardous substance." Thus, if the owner of a particular product which was a banned hazardous substance at the time of its introduction into interstate commerce or which became a banned hazardous substance before its sale to an ultimate consumer, will not consent to modification of the product as an alternative to repurchase, the party who sold the product to that owner has a legal obligation to repurchase the product, notwithstanding the provisions of the proposed regulation.

Proposal. Pursuant to provisions of the Federal Hazardous Substances Act (secs. 10(a), 15, 74 Stat. 378, 380, as amended, 83 Stat. 189-90; 15 U.S.C. 1269(a), 1274), and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to amend 16 CFR Part 1500 by adding a new section 1500.203, as follows:

§ 1500.203 Modification of banned hazardous substances.

(a) Any article or substance which was a banned hazardous substance as that term is used in the Federal Hazardous Substances Act (15 U.S.C. 1261 et

seq.) and the regulations issued thereunder (16 CFR Chapter II, Subchapter C), at the time it was introduced into interstate commerce, or which became a banned hazardous substance because of some alteration which occurred after its introduction into interstate commerce and before its sale to an ultimate consumer, but which is thereafter modified so that it is no longer a banned hazardous substance shall not be subject to repurchase under provisions of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and 16 CFR 1500.202. Provided, however, that if the owner of a particular product which was a banned hazardous substance at the time of its introduction into interstate commerce, or which became a banned hazardous substance before its sale to a retail purchaser (by an act of a party other than the owner of that product) will not consent to modification of the product as an alternative to repurchase, the obligation of the party who sold that product to repurchase that product in accordance with section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and 16 CFR 1500.202 shall not be affected by the provisions of this section 1500.203.

(b) In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance as an alternative to repurchase, the notice provided pursuant to the requirements of paragraph (f) of section 1500.202 may be written to indicate the availability of this alternative. Such notice, however, shall indicate that the owner of the banned hazardous substance may insist on repurchase.

(c) In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance as an alternative to repurchase, all expenses incurred in connection with the modification, absent any agreement between the parties to the contrary, shall be borne by the party original offering the modification.

(Secs. 10(a), 15, 74 Stat. 378, 380, as amended, 83 Stat. 189–90; 15 U.S.C. 1269(a), 1274)

Interested persons are invited to submit on or before June 1, 1976, written comments regarding this proposal. Comments received after June 1, 1976, will be considered to the extent practicable. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 8th Floor, 1750 K Street NW., Washington, D.C., during working hours, Monday through Friday.

Dated: April 26, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-12484 Filed 4-28-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20780; FCC 76-347]

RESTRICTED RADIATION DEVICES AND LOW POWER COMMUNICATION DEVICES

Notice of Proposed Rule Making

In the Matter of: Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices and low power communication devices.

1. Part 15 of the Commission's rules sets out the conditions under which a device capable of producing radio frequency (RF) energy may be operated without an indiivdual license. Of particular concern in this proceeding are restricted radiation devices subject to the general requirements of 47 CFR 15.7 and low power communications devices subject to 47 CFR 15.101 et seq. The former is a device in which RF energy is incorporated in its design and the latter is a device designed to radiate RF energy for the purpose of transmitting messages through space. Examples of restricted radiation devices include computers, RF power supplies, electronic games, electronic watches and calculators, tape recorders. Examples of low power devices include walkie talkies, wireless announcing systems, wireless security alarms. rules,[1] to ensure that the device complies with the Commission's rules. Notwithstanding these hurdles, the number of RF devices operating under Section 15.7 are numerous and all avoid the burden of being individually licensed.

2. Part 15 is based upon the rationale that a device complying with the provisions contained therein will, in general, not be a source of harmful interference to radio communications. The technical limitations in Part 15 are designed to ensure this by setting a fixed maximum radiation for various devices. An additional requirement that they do not cause interference is placed on the operation of these devices in recognition of the fact that even at the extremely low radiation limits they will in some circumstances cause interference. This means that the operator of a Part 15 device is obliged to correct any interference that is caused, even when the device is in compliance with the technical specifications in Part 15. To provide some assurance to the consumer that the device he purchased in good faith, can be expected to comply with the Commission's technical requirements and therefore provide reasonably assurance, that it will not be a source of interference, the manufacturer and distributor of such devices have a legal responsibility, under our marketing.

3. The general requirements for restricted radiation devices, Section 15.7, adopted in 1938 and carried over into Part 15 in 1948, are no longer considered suitable for the numerous devices under its purview. This proceeding is initiated to clarify and further define these requirements, to recognize and define certain specific devices and in a few cases, to establish new requirements. Minor revisions are also proposed in the rules governing general purpose low power communication devices. These are primarily intended to clarify and minimize problems in determining whether a device should be classified as a low power communication device subject to Subpart D of Part 15 or a restricted radiation device subject to Section 15.7. The proposed changes are appended to this Notice.

RESTRICTED RADIATION DEVICES

4. A restricted radiation device is defined in Section 15.4(d) as follows:

§ 15.4(d) *Restricted Radiation Device.* A device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along wires or is radiated, exclusive of transmitters which require licensing under other parts of this chapter and exclusive of devices in which the radio frequency energy is used to produce physical, chemical or biological effects in materials and which are regulated under the provisions of Part 18 of this chapter.

5. The present text of Section 15.7 reads as follows:

§ 15.7 *General requirements for restricted radiation devices.*

Unless regulated under some other subpart of this part, any apparatus which generates a radio frequency electromagnetic field functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto and at a distance not greater than 157,000/F(kHz) feet (equivalent to $\lambda/2\pi$) need not be licensed provided:

(a) That such apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(b) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to establish radio services, particularly on the fundamental and harmonic frequencies.

(c) That in any event the total electromagnetic field produced at any point a distance of 157,000/F (kHz) feet (equivalent to $\lambda/2\pi$) from the apparatus shall not exceed 15 microvolts per meter.

(d) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(e) That in the event harmful interferance is caused, the operator of the apparatus shall promptly take steps to eliminate the harmful interference.

NOTE: Radio receivers, cable television systems, Class I TV devices, and low power communications devices are regulated elsewhere in this chapter and are not regulated by this section.

[1] 47 CFR 2.801 et seq. Adopted 5–13–70, Report and Order of Docket 18426. Briefly stated the rules prohibit the sale, lease, importation, shipment, distribution for the purpose of sale, or lease of devices capable of causing harmful interference to radio communications, unless such device complies with the pertinent technical standards and has the appropriate equipment authorization, if required.

6. In applying Section 15.7 to modern equipment, several difficulties become apparent. A major area of confusion arises from the language in the introductory paragraph. Although the language therein would appear to limit the application only to devices that are used to operate associated apparatus not physically connected to the generating device, this regulation has been applied to systems (RF generator, wiring and associate apparatus) where the generator is physically connected to the associated apparatus or to equipment where no associated equipment exists. The Commission has consistently held that Section 15.7 applies to such devices on the basis that the interfering effect is not significantly reduced by virtue of the fact that the radiated RF energy is partially used to operate associated equipment.

7. The rule is also silent on devices which are physically connected to associated apparatus. It could be argued that devices so connected are not regulated by Section 15.7. However, the interference potential of a system is a function of the field strength generated by the device and the use of a physical connection does not necessarily assure that the field strength will be low enough not to cause interference. On the contrary, it can readily extend the sphere of RF interference to areas adjacent to the physical connection. Therefore, this section is applied by the Commission to devices which are in fact connected by a conductive means to associated apparatus. This means that the RF energy around the conductor as well as that generated by a device must meet the field limit in Section 15.7. The proposed rules appended hereto are designed to clarify these points.

8. Another major problem is the field strength limit of 15 microvolts per meter (μV/m) at a distance of $\lambda/2\pi$, where Lamba (λ) is the wavelength of the frequency of interest. This limitation is extremely difficult to evaluate. The distance $\lambda/2\pi$ is inversely proportional to frequency and is equivalent in feet to 157,000 divided by the frequency in kilohertz. For example, at a frequency of 1000 kHz, this distance is 157 feet, whereas, at 100 MHz, this distance is 1.57 feet. At low frequencies, measurements to determine compliance with the limit are difficult because the distance is too large. At very high frequencies, the required distance may be too close for practical measurements. Moreover, the value 15 μV/m is at or below the sensitivity of many measuring devices. The problem of measuring a weak field can be overcome by measuring at a closer distance to the source where the field is stronger. This, however, introduces other uncertainties. Because of the complex nature of the field at these distances, it is difficult to extrapolate the measured value to the $\lambda/2\pi$ distance for comparison with the regulatory requirement.

9. Another problem with the limit concerns modern devices which operate at high speed and/or which produce high frequency emissions. For such devices, the $\lambda/2\pi$ limit[2] may be unnecessarily stringent. For example, many modern computers are extremely fast and have emissions which reach well up into the VHF and UHF region of the frequency spectrum where the $\lambda/2\pi$ distance is one foot and less. This short distance presents several difficulties. A new limit, which does not vary with frequency, may therefore be desirable.

10. While the $\lambda/2\pi$ limit has been very useful over the years, we are now proposing to abandon it, and to replace it with a table of radiation and conduction limits. As before, the proposed limits are designed to provide reasonable assurance that under normal conditions a subject device is not likely to become a source of harmful interference to radiocommunications. At the same time, the new limits are designed not to place an unreasonable burden on the manufacturer.

Carrier Current Systems

11. The Commission considers a transmission system in which RF energy is transferred from one point to another over some form of a conductor (typically a metallic wire) as a carrier current system. In a system using this technique both the sender and the receiver of the RF energy are physically connected to the conductor carrying the energy. Of course there is a RF field around the conductor and some of the energy leaks into space, but the basic medium of transmission is along the conductor. In the past, these systems have been classified as restricted radiation devices subject to the general requirements of Section 15.7. In this proceeding, we are proposing rules to deal specifically with such systems.

12. Public utilities use carrier current systems extensively for performing a number of switching and controlling functions. Typically, these systems are designed to have minimal interference effects. Experienced technicians maintain these systems, performance is checked periodically and any interference problem caused by such operation receives immediate attention. Since these systems are not considered a significant source of interference, the technical requirements proposed for carrier current systems which are operated by less qualified personnel are not being applied to such systems. Carrier current systems operated by public utilities are proposed to be exempted from meeting specific technical requirements, but will be required to meet the non-interference clause of Section 15.3.

Campus Radio System

13. In the past, a campus radio system has been considered to be a carrier current system. Operating on a locally vacant channel in the standard AM broadcast band, these systems provide limited coverage—typically confined to the college campus. We propose to recognize this by redefining a campus radio system as

> A communication system having the output of one or more low power transmitters coupled into a power distribution network or other network of conductors, in which RF signals are picked up by conductive connection to the network or by space radiation in the vicinity of the network and which is operated in the AM broadcasting band on the campus of an educational institution.

While similar to carrier current systems in that RF energy is coupled into the power distribution network of the campus, there are enough differences and sufficient justifications that these systems now warrant special consideration. In the early days, the RF signal coupled into the electrical system was received from the outlet feeding power to the radio; however, with the advent of transistor radios, reception of the signal must now be through space radiation, since a power cord is no longer required. Consequently, present systems are designed to radiate and still comply with our technical requirements. If the system is properly adjusted, the field around the power line will be of sufficient magnitude to provide an adequate signal for reception by near-by radios. If the system is not properly adjusted, interference or unsatisfactory operation will result. Because the load presented by the power lines to the radio transmitter is constantly changing (i.e., lights, motors, etc. are switched on and off), these systems require frequent checks to ensure proper operation.

14. In view of the above, the proposed rules recognize a Campus Radio System is a communication system, propose a more practical field limitation and establish minimum technical requirements to reduce the possibility that such a system will be a source of harmful radio interference.[3] A flat limit of 50 μV/m at 30 meters across the entire AM Broadcast Band is being proposed for two reasons. First, the present limit, which is inversely proportional to frequency, allows a higher value of field at the lower frequencies. As a result, most present day campus systems are congregated at the lower end of the band. The proposed limit will allow a campus system in any given area to operate on any vacant channel in the AM band. Second, while providing the same area of coverage, the proposed limit will also be easier for the system operator to check compliance between the times when more precise measurements are required. Approximate compliance can easily be determined with aid of a good AM radio. If a signal is heard on the radio at a distance of 30 meters or more, the system probably exceeds the limit. Thus the limit provides a convenient method for students to check compliance. The rules also require the operator of the system to retain a copy of OCE Bulletin No. 12 "Operation In The Band 535–1600 kHz Without An Individual License." The

[2] More precisely, 15 μV/m at $\lambda/2\pi$.

[3] The non-technical aspects of a campus radio station is being considered by the Commission in a separate inquiry in FCC Docket No. 19092 (36 F.R. 7018), 28 FCC 2nd 357 (1971).

Bulletin is a convenient and easy to follow guide that will assist students in maintaining compliance of these systems.

LOW POWER COMMUNICATIONS DEVICES

15. A restricted radiation device used for the purpose of transmitting any type of message (including control signals, signs, images, etc.) is considered by the Commission to be a low power communication device (see 47 CFR Section 15.4 (f)). Subject to certain technical and certification requirements,[4] such a device may be used for any legitimate purpose without an individual license. The technical regulation governing a low power communication device operating below 1600 kHz was derived from § 15.7 which governs the operation of the general restricted radiation device. Although these regulations are basically similar, there are enough differences that the user has tended to classify his device on the basis of which regulation gave him more liberal operating privileges, rather than on the basis of the definitions in Section 15.4. To minimize these problems, the same technical and certification requirements are being proposed for both classes of devices. In addition, because a device connected to a power line has the potential for causing interference to other devices connected to the same power line as discussed in paragraph 9 supra, a limit on conducted RF energy is being proposed for all low power devices designed to be connected to power lines.

16. The controlling technical limitation for a low power communication device operating on a frequency below 1600 kHz is a limit on the RF energy that is actually radiated into space. This limit is set out in Section 15.111. In lieu of meeting this radiation limit, a low power communication device operating on a frequency in the bands 160–190 kHz or 510–1600 kHz may as an alternative meet the antenna and power limitations in Sections 15.112 and 15.113, respectively. These provisions were intended to make it feasible for a radio enthusiast to construct and operate a low power radio, since it is reasonable to assume that the average hobbyist or experimenter would not have the capability of making field strength measurements. It has come to our attention, that manufacturers are taking advantage of the alternative provisions to market devices, which, because of the greater efficiency of the new technology, actually operate with radiated signals in excess of those permitted by Section 15.111. Since the interference potential of a device is directly related to the field strength of the radiated field and not the power fed into the antenna, and since a device which is widely marketed to the general public has a much greater potential for causing interference than a device built by an individual for his own use, we are proposing to restrict the alternative provisions to home built devices. The text for these changes are in proposed Sections 15.112 and 15.113.

17. A number of low power communitalkie, are marketed as self-contained cation devices, such as the toy walkie devices. For these devices, measurements can be made on one or two devices and the results can be expected to be representative of similarly manufactured devices. However, a large number of low power communication devices are marketed without an antenna of a prescribed length and configuration. Instead, the antenna may be of variable length and/or configuration. An example of this type of system is the industrial remote control systems in which the transmitter output is fed into one or two wires laid around the perimeter of the area to be covered. A certain amount of the energy is radiated from the wires and picked up by a near-by receiver. In this case, the level of radiated energy is dependent on the antenna and system configuration. Consequently, measurements to determine exact compliance with the present limits can only be made after the complete system is installed, meaning that each individual system of this type must be certificated by the Commission under the present rules. Inasmuch as this may be unnecessarily stringent for systems which are widely marketed, a procedure is being proposed for certificating a low power communication system based on measurements which are representative of that system.

DATA PROCESSING EQUIPMENT

18. The limitations of the $\lambda/2\pi$ rule for regulating devices producing high frequency emissions is discussed in paragraph 8, supra. They are particularly applicable to high speed computers and data processing equipment. The proposed technical requirements are designed to provide reasonable assurance that such devices will not be a source of radio interference while at the same time not place an unreasonable burden on the manufacturer. However, there is reason to believe that the proposed technical requirements may still be too stringent for many commercially operated computers and Data Processing Equipment (DPE). This is based on several considerations. One is an interim report released by the Computer and Business Equipment Manufacturers Association (CBEMA) on "Narrowband RF Emanations from Electronic Data Processing Equipment and Office Machines."[5] Secondly, we have received information about a draft proposal by the European Computer Manufacturers Association, which indicates the proposed limit may be too stringent. Additional factual information is needed, however, to confirm this.

19. A distinction is being made between equipment used commercially and equipment which is widely marketed to the general public, such as hand held electronic calculators. Commercial equipment is not likely to become a source of interference to radio communication. If an interference problem occurs, corrective measures can be taken. Consumer products, on the other hand, are widely distributed, are harder to control once distributed, usually do not have the same technical sophistication as commercial equipment, and typically do not receive the same preventative maintenance.

20. For these reasons, the Commission is willing to entertain an alternative proposal for commercial data processing equipment, if sufficient justification is provided. Information dealing with all aspects of the operation and interference potential of this equipment is solicited. In particular, information with respect to the following questions is sought. (1) What levels of emissions from computers exist today? (2) If the proposed limits are not acceptable for data processing equipment used commercially, what would be reasonable alternative limits? (3) What equipment should be subject to these limits? Suggested language for definitions would be helpful. (4) How would the limit be applied to a system comprising a number of units interconnected by cables, etc.? (5) How would measurements be made to determine compliance with the limit? That is, what would be considered an acceptable measurement procedure? (6) What restriction should the Commission place on the manufacturer as a precondition for marketing to ensure compliance? Where possible, the information submitted should be quantitative and should be based on measurements made under Laboratory conditions.

MARKETING AND CERTIFICATION

21. The marketing rules, as stated above,[6] proscribe the sale, distribution, lease, offer for sale, etc. of an F device until it has been demonstrated to comply with the rules adopted by the Commission. For many devices, this includes obtaining an equipment authorization from the Commission as well as complying with certain technical specifications.[7] The marketing rules and the equipment authorization program are designed to protect the unsuspecting consumer by insuring that a RF device which is widely distributed will not become a source of harmful interference. This is based on the consideration that it is easier to prevent interference by checking the interference potential of the device at the

[4] Certification is presently required for all low power communication devices. Order, adopted March 7, 1975, (40 F.R. 10673).

[5] The CBEMA report (No. CBEMA/ESC5/75/31) is incorporated in the docket folder as part of this proceeding and is also available in limited quantities from Director, Telecommunications Programs, CBEMA Suite 1200, 1828 L St., N.W., Washington, D.C. 20036.

[6] Ibid [4].

[7] Equipment Authorization is a collective term referring to Type Approval, Type Acceptance and Certification. Type Acceptance and Certification are typically required for licensed transmitters and devices operating under the provisions of Part 15, respectively. Compliance for these devices is based on measurements made by or for the manufacturer of the device. Type approval applies to certain devices required to be measured by the Commission. See 47 CFR 2.901 et seq., for details.

source (manufacturer), rather than to correct the problem once the device is widely distributed to the public. Moreover, prior to the adoption of these rules, the Commission was often forced to move against the operator (typically a consumer) when it was discovered that his device, which was purchased in good faith, was causing harmful interference.

22. Concomitant with the staggering increase in numbers of communications devices and systems in recent years, there has been a corresponding increase in the demand for available spectrum space. As a result, the RF spectrum must be carefully managed to ensure its maximum utilization. Under the present rules, a RF device subject to Section 15.7 may be operated without an equipment authorization from the FCC. Consequently, the Commission has no vehicle to alert it to the intended distribution of a new RF device and no mechanism to determine prior to distribution that such a device does in fact comply with our Rules. The above factors have led to instances in which the Commission became aware, after the fact, that a number of these devices did not meet the technical requirements of Section 15.7. An example of this problem is the electronic game. The Commission recently became aware that some video electronic games do not comply with the technical specifications in Section 15.7. Unfortunately, this was discovered only after they were widely distributed and causing interference to public safety radio communications.

23. In view of the above, the Commission is proposing to require certification for those restricted radiation devices which have a relatively high interference potential and/or are widely distributed to the public. Certification is being proposed for the following equipment: (1) electronic games which use RF energy; (2) RF (switching) power supplies; (3) wireless intercoms; (4) any restricted radiation device which uses RF energy for the purpose of communications. Additional devices will be added to the list as the need indicates. It is proposed that the certification requirement for the above devices shall go into effect six months after the effective date of such rules as may be promulgated in this proceeding.

PROCEDURE FOR FILING COMMENTS

24. Authority for the adoption of the Rules herein proposed is contained in section 4(i), 301, 302 and 303(r) of the Communications Act of 1934, as amended.

25. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before June 23, 1976, and reply comments on or before July 8, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the Rules which are proposed herein, the Commission may take into account other relevant information before it, in addition to specific comments invited by this notice.

26. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 11 copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: April 14, 1976.

Released: April 23, 1976.

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

Part 15 is proposed to be amended as follows:

1. Section 15.1 is amended by adding new subparagraphs (d) and (e) to read as follows:

§ 15.1 Scope of this part.

* * * * *

(d) Industrial, Scientific and Medical (ISM) Equipment as defined in § 18.3 and transmitters which are licensed in one of the licensed radio services are subject to rules in other parts of this Chapter and in general are not subject to the provisions of this Part.

(e) The flow chart shown below is intended as a convenient guide in locating the rules governing a particular device. It shall not be used in place of the definition governing the device. The Section or Part number shown beside the common name for a device refers to the rule Section or Part governing the operation of the device.

2. Section 15.4 is amended by deleting the present texts of subparagraphs (d) and (f), substituting the following new texts and by adding the new subparagraphs (n) through (q) to read as follows:

§ 15.4 General definitions.

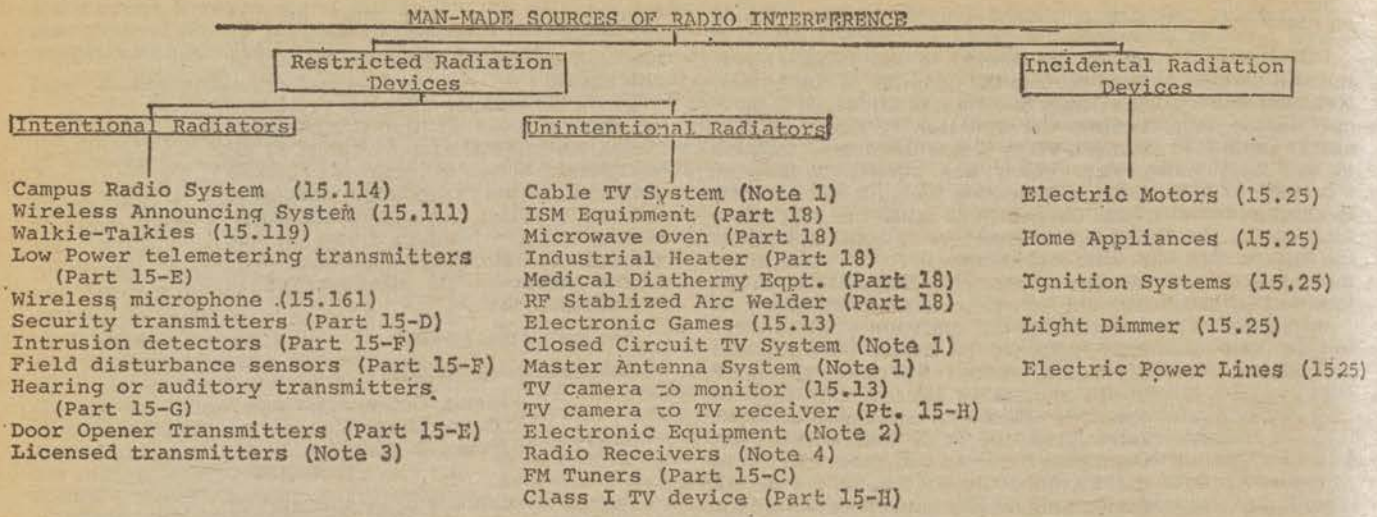
* * * * *

(d) *Restricted radiation device.* A device, system, or apparatus which intentionally generates (produces) electromagnetic energy above 10 kHz.

NOTE: CATV Systems as defined in Part 76, ISM Equipment as defined in Part 18 and transmitters which are licensed under the Part in which they are intended to operate are not subject to the provisions of this Part.

(e) * * *

(f) *Low Power Communication Device.* A restricted radiation device used for the transmission of signs, signals (including control signals), writing, images, sounds or intelligence of any nature through space.



NOTES:

1. Cable Television Systems, including component parts thereof, as defined in Section 76.5 are regulated under Part 76. Any system, including component parts thereof, that feeds television signals over cable and which falls outside the definition of a cable television system in Part 76 is subject to the provisions in Part 15.
2. Electronic equipment includes such devices as: computers, digital weight scales, data processing equipment, tape recorders, electronic watches, switching power supplies, any device incorporating digital techniques, AM broadcast receivers, digital displays, etc. are subject to §15.13.
3. A transmitter which requires licensing is subject to the rules of the service in which it is licensed, e.g., a broadcast transmitter is licensed in the Broadcast Radio Service under Parts 73 and 74.
4. All receivers that operate (tune) between 30 - 890 MHz are subject to the provisions in Subpart C of Part 15. Included within this category are: land mobile communication receivers, aeronautical communication/navigation receivers, maritime receivers, security receivers, FM and TV broadcast receivers. Receivers that do not operate (tune) in the range of 30-890 MHz are subject to §15.13.

(n) *Carrier Current System.* A system, in which a restricted radiation device transmits RF energy over wires, or any other conductor, to a receiving device connected to the same conductor or system of conductors.

(o) *RF Power Supply.* A power supply in which the supply voltage is switched or chopped at a rate greater than or equal to 10 kHz for the purpose of obtaining a new supply voltage.

(p) *Campus Radio System.* A communication system having the output of one or more low power transmitters coupled into a power distribution network or other network of conductors, in which RF signals are picked up by conductive connection to the network or by space radiation in the vicinity of the network and which is operated in the AM broadcasting band on the campus of an educational institution.

(q) *Electronic Game.* A restricted radiation device designed to be operated for the purpose of amusement or recreation.

3. The present title and text of § 15.7 is deleted.

4. A new § 15.13 is added to read as follows:

§ 15.13 General requirement for a restricted radiation device.

A restricted radiation device shall comply with the following requirements:

(a) The following devices are regulated elsewhere in this Chapter and therefore do not have to meet the requirements of this section:

(1) Cable Television Systems as defined in Part 76 of this Chapter.

(2) Industrial, Scientific and Medical (ISM) Equipment as defined in Part 18 of this Chapter.

(3) Transmitters which are licensed under some other Part of this Chapter.

(4) Restricted radiation devices operating under special provisions provided in other subparts of this Part.

(b) *Radiation Limit.* All emissions from the device, including any network of conductors and/or apparatus connected thereto, shall not exceed the level of field strengths specified in the table below. The measurement procedure and the range of measurements to determine compliance with these limits shall be in accordance with §§ 15.141 and 15.142, respectively. In addition, the device shall be designed to minimize the likelihood of emissions on the aeronautical and maritime safety frequencies and amateur frequencies.

NOTE: Until further notice, carrier current systems operated by a public service utility company and test equipment are exempt from complying with the radiation limit.

Frequency (F) (kilohertz)	Distance (meters)	Field strength (microvolts per meter)
10 to 500	300	2,400/F
500 to 1600	30	24,000/F
Above 1600	3	100

(1) The tighter limit shall apply at the edge between two frequency bands.

(2) Distance refers to the distance in meters between the measuring instrument antenna and the closest point of any part of the device or system.

(3) F is the frequency in kHz of the emission under investigation.

(c) *Conducted Limit.* All conducted emissions from a device, or accessory marketed therewith, intended to be connected to the power lines of a public utility system shall not exceed the level of voltage specified in the table below. The procedure for determining compliance with these limits must be in accordance with Section 15.141 of this part. Carrier current systems in which the RF voltage is designed to be coupled into power lines are exempt from this requirement.

Frequency (megahertz):	*Voltage (microvolt)*
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

(d) *Noninterference requirement.* Notwithstanding the compliance with the technical specification in this section, the operation of each restricted radiation device is subject to the general conditions of Section 15.3. The operator of a restricted radiation device may be required to cease operation of his device upon a finding that the device is causing harmful interference and it is in the public interest to stop operation until the interference problem has been corrected.

(e) *Certification Requirement.* Certain restricted radiation devices shall be certificated pursuant to § 15.15.

5. A new Section 15.15 is added to read as follows:

§ 15.15 Certification of Restricted Radiation Devices.

To show compliance with the provisions of § 15.13, the following restricted radiation devices which are manufactured after _____ shall be certificated by the Commission pursuant to the procedures in Subpart B of this Part. The device or system shall be labeled in accordance with § 15.132. The range in which measurements shall be made and the report required to demonstrate compliance shall be in accordance with §§ 15.142 and 15.143, respectively. If an apparatus or system incorporates any of the following restricted radiation devices and is subject to some other Part of this Chapter, certification of the restricted radiation device is not required.

(a) Electronic games, exclusive of Class ITV devices.

(b) RF Power Supply, exclusive of those used in test equipment.

(c) Any restricted radiation device designed to use RF energy either directly or indirectly, as in the case of the ultrasonic device which uses RF energy to generate an ultrasonic signal, for the purpose of communication. Included herein are RF generators and transmitting devices intended to be used in carrier current and wireless intercom systems, exclusive of those operated by a public utility.

6. The title and text of Section 15.111 are revised to read as follows:

§ 15.111 Operation below 70 MHz.

A low power communication device or system may be operated without an individual license on any frequency between 10 kHz and 70 MHz subject to the following conditions:

(a) The device or system shall be certificated pursuant to Section 15.131.

(b) If the device or system is intended to be connected to the power lines of a public utility system, the radio frequency voltage measured between each power line and ground at the power terminal of the device when measured pursuant to § 15.141 shall not exceed:

Frequency (megahertz):	Voltage *microvolt*)
0.1 to 0.45	1,000
0.40 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

(c) All emissions from the device, including any network of conductors and/or apparatus connected thereto, shall not exceed the level of field strengths specified in the table below. The measurement procedure and the range of measurements to determine compliance with these limits shall be pursuant to §§ 15.141 and 15.142, respectively. In addition, the device shall be designed to minimize the likelihood of emissions on the aeronautical and maritime safety frequencies and amateur frequencies.

Frequency (F) (kilohertz)	Distance (meters)	Field strength (microvolts per meter)
10 to 500	300	2,400/F
500 to 1600	30	24,000/F
1600 to 70,000	3	100

(1) The tighter limit shall apply at the edge between two frequency bands.

(2) Distance refers to the distance in meters between the measuring instrument antenna and the closest point of any part of the device, or system.

(3) F is the frequency in kHz of the emission under investigation.

7. Section 15.112 is amended by revising the introductory paragraph and by adding new subparagraphs (d) and (e) to read as follows:

§ 15.112 Alternative provisions for operation between 160–190 kHz.

In lieu of meeting the requirements of § 15.111, a low power communication device which is built by a person for his own use in a quantity not to exceed five units, may operate on any frequency in the band 160–190 kHz provided it meets all the following conditions:

* * * * *

(d) The device shall be certificated pursuant to § 15.131.

(e) If the device or system is intended to be connected to the power lines of a public utility system, the radio frequency voltage measured between each power line and ground at the power terminal of the device when measured pursuant to § 15.141 shall not exceed:

Frequency (megahertz):	Voltage (*kilovolt*)
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

8. Section 15.113 is amended by revising the introductory paragraph and by adding new subparagraphs (e) and (f) to read as follows:

§ 15.113 Alternative provisions for operating between 510 and 1600 kHz.

In lieu of meeting the requirements of Section 15.111, a lower power communication device which is built by a person for his own use in a quantity not to exceed five units, may operate on any frequency in the band 510–1600 kHz provided it meets all the following conditions:

* * * * *

(e) The device shall be certificated pursuant to § 15.131.

(f) If the device or system is intended to be connected to the power lines of a public utility system, the ratio frequency voltage measured between each power line and ground at the power terminal of the device when measured pursuant to § 15.141 shall not exceed:

Frequency (Megahertz):	Voltage (*kilovolt*)
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

9. Section 15.114 is revised by deleting the word reserved and inserting the following text:

§ 15.114 Alternative provisions for a Campus Radio System.

A campus radio system may be operated without an individual license subject to the following conditions:

(a) The system is operated on a locally vacant frequency in the band 535–1600 kHz on the campus of an educational institution.

(b) The operator shall take all steps necessary to insure that harmful interference is not caused to a licensed radio station, pursuant to §§ 15.3 and 15.103.

(c) If a complaint of interference is received, a record of the complaint and a detailed report of the action taken to correct the situation shall be maintained by the system operator. Such records shal be maintained for 3 years.

(d) The field strength of the emission on the operating frequency as well as on any frequency within 20 kHz of the operating frequency of the transmitter shall be limited to 50 μV/m when measured with a standard field strength meter at a distance of 30 meters from any part of the system. Other emissions shall be limited to 50 μV/m at 3 meters from any part of the system.

NOTE: Although actual field strength measurements are required for certification, compliance with the field strength limit on the operating frequency can and should be checked as often as possible with a good standard AM broadcast receiver. Since most AM broadcast receivers are not able to detect a 50 μV/m signal, a signal from the station heard at a distance of 30 meters from any part of the system, is a good indication that it does not comply with the limits. Actual field strength must then be made to determine compliance.

(e) The system shall be certified as complying with the provisions of this Part, pursuant to § 15.131.

(f) A copy of Bulletin OCE 12, titled "Operation in the Band 535–1600 kHz Without an Individual License" shall be on file with the station operator.

(g) Campus radio system operators may use whatever identification is currently desired, so long as propriety is observed and no confusion results with a station for which the Commission issues a license.

10. Section 15.115 is amended by adding new paragraphs (e) and (f) to read as follows:

§ 15.115 Interim requirements for operation between 26.97 and 27.27 MHz.

* * * * *

(e) The device shall be certificated pursuant to § 15.131.

(f) If the device or system is intended to be connected to the power lines of a public utility system, the radio frequency voltage measured between each power line and ground at the power terminal of the device shall not exceed the following limits when measured pursuant to § 15.141.

Frequency (megahertz):	*Voltage (kilovolt)*
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

11. Section 15.116 is amended by adding a new paragraph (h) to read as follows:

§ 15.116 Operation of a non-voice device between 26.99–27.27 MHz.

* * * * *

(h) The device shall be certificated pursuant to § 15.131.

12. Section 15.118 is amended by adding new paragraphs (g) and (h) to read as follows:

§ 15.118 Technical Specification for the band 49.82–49.90 MHz.

* * * * *

(g) The device shall be certificated pursuant to § 15.131.

(h) If the device or system is intended to be connected to the power lines of a public utility system, the radio frequency voltage measured between each power line and ground at the power terminal of the device shall not exceed the following limits when measured pursuant to § 15.141.

Frequency Megahertz):	*Voltage (kilovolt)*
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

13. Section 15.119 is amended by adding a new paragraph (f) to read as follows:

§ 15.119 Alternative technical specifications for the band 49.82–49.90 MHz.

* * * * *

(f) The device shall be certificated pursuant to § 15.131.

14. Section 15.120 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 15.120 Operation above 70 MHz.

* * * * *

(d) The device shall be certificated pursuant to § 15.131.

(e) If the device or system is intended to be connected to the power lines of a public utility system, the radio frequency voltage measured between each power line and ground at the power terminal of the device shall not exceed the following limits when measured pursuant to § 15.141.

Frequency (megahertz):	*Voltage (microvolt)*
0.1 to 0.45	1,000
0.45 to 1.6	200
1.6 to 25	100

NOTE: The tighter limit shall apply at the edge between two frequency bands.

15. The title and text of Section 15.131 are revised to read as follows:

§ 15.131 Certification Requirements.

(a) A low power communication device or system manufactured between October 31, 1957 and October 1, 1975 shall be self-certificated pursuant to §§ 15.135 and 15.136.

(b) A low power communication device manufactured after October 1, 1975, shall be certificated by the Commission pursuant to Subpart B of this Part.

(c) Each RF transmitter or generator which is intended to be part of a communication system manufactured after _____ shall be certificated by the Commission pursuant to Subpart B of this Part. Certification shall be based on a showing by the manufacturer that the transmitter can be expected to comply with the applicable technical requirements for each communication system the transmitter is intended to be used in.

(d) Each communication system in which compliance with the technical provisions of this subpart is dependent on the antenna and/or system configuration (e.g., campus radio system, wireless drive-in theater announcing system, wireless industrial controls) shall be certified by the installer pursuant to §15.134. If the complete system (RF generator, connectors, connecting cables, etc.) is marketed with installation instructions, certification of the complete system may be granted by the Commission pursuant to Subpart B of this Part. In which case, the installer need only certify that the installation was made in accordance with the instructions by attaching and signing the label required by § 15.134(e).

(e) An individual who constructed a low power communication device for his own use, which is not marketed, may, in lieu of the requirements of this section, certify not more than 5 units in accordance with § 15.133.

16. The title, introductory paragraph and sample label of § 15.132 are revised to read as follows:

§ 15.132 Labelling and Identification Requirements.

A device subject to certification by the Commission shall be identified pursuant to § 2.1045 of this Chapter. Each device shall have permanently and visibly affixed an identification label containing information shown on the sample label below.

FCC IDENTIFICATION DATA

_____
(Name)

Model No: _____
(Unique Identifier)

This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2) This device must accept any interference that may cause undesired operation.

_____
(Date of Manufacture or Construction)

17. Section 15.134 is revised by deleting the word "reserved" and by adding title and text to read as follows:

§ 15.134 Certification and Identification of a Communication System.

Each low power communication system in which compliance with the technical provisions of this Subpart is dependent on the antenna and/or system configuration (e.g., a campus radio system, a wireless drive-in theater announcing system, wireless industrial controls) shall comply with the following requirements:

(a) A sufficient number of checks and tests shall be made on the system to ensure compliance with the appropriate technical requirements.

(b) A loop antenna shall be used for measurements on frequencies below 18 MHz, and a dipole antenna shall be used for measurements on frequencies from 30 to 1000 MHz. Either a loop or dipole antenna shall be used on frequencies between 18 MHz and 30 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum. A sufficient number of measurements at the specified distance around the system perimeter shall be made to ensure compliance. If the load on the system is expected to vary so as to affect the level of the field, as in the case of a campus radio station connected to the power lines, the system shall be measured at different times to ensure compliance. These tests must be made at the completion of the initial installation of the system, after each modification and at least once a year thereafter.

(c) The test results, signed by the individual responsible for installation and a complete description of the system, shall be made available to an FCC representative upon reasonable request. The most recent measurement report should be retained for a period of 5 years.

(d) A statement containing the following information shall be permanently attached to the transmitter or to each transmitter, if more than one is used in the system. The statement must be signed by the individual who constructed and tested the device or system for compliance. A responsible official of the company or institution where the system is installed must also sign the statement.

"This system was tested on _____ and
(Date)
found to comply with applicable provisions of FCC Rules Part 15. The operator of this system understands that operation is on a sufferance basis and must accept any interference that is received. A copy of the description and measurement report of the system is located at _____."

Name of Person Attesting Compliance:

_____
(Print name) (Signature)

Name of Company or Organization Operating System:

(Name) (Signature of Responsible Official)

(e) For a communication system certificated under § 15.131(d), the following identification label shall be used in lieu of the above label.

FCC IDENTIFICATION

(Name)

Model No: ----------

---------- certifies that this system
(Manufacturer)

can be expected to comply with FCC Rules Part 15 when installed in exact accordance with the instructions provided.

I, ----------, certify that the system
(Print name of installer)

was installed in exact accordance with the instructions provided by the manufacturer.

Signature ----------
(Installer)

Date Installed ----------

Any modification of the system invalidates this certification. Operation is subject to the following two conditions: (1) The system must not cause harmful interference (2) The system must accept any interference that may cause undesired operation.

Name of Company Operating System

(Name) (Signature of responsible official)

18. Section 15.141 is revised to read as follows:

§ 15.141 Measurement Procedure.

(a) Any measurement procedure acceptable to the Commission may be used to show compliance with the requirements of this Part. A detailed description of the proposed measurement procedure, including a list of the test equipment to be used, shall be submitted to the Commission when requesting a determination regarding the acceptability of the proposed measurement procedure.

(b) The procedures delineated in § 15.75(b)(1) through (b)(5) for conducted and radiation measurements from broadcaster receivers may be used for other devices when appropriately modified. Commonly, the antenna used with the device under test and the set-up of the device on the test site must be modified. If one of these methods is used, the statement regarding measurement procedure should indicate the standard used and should describe the modifications that were made.

NOTE: Where such devices are provided with a ground connection, whether separate from or included in the power supply cable, measurements of power line conducted radio frequency voltages shall be made both with such ground connection attached and with it disconnected. Whichever condition produces the highest radio frequency voltage on any power condition will be considered to be the limiting condition. Tests using MIL-STD-461A are not acceptable, since this standard requires bonding the device to ground and testing it in that condition.

(c) The procedure used at the FCC Laboratory for type approval testing of a wireless microphone operating in the band 88–108 MHz is given in FCC Bulletin OCE 19 available from the Commission.

(d) The procedure for measuring the raidation of RF energy from the trahsmitter and receiver parts of a radio control for a door opener is set out in FCC Technical Report T–7001 available from the Commission.

(e) A loop antenna shall be used for measurements on frequencies below 18 MHz and a dipole antenna shall be used for measurements on frequencies from 30 to 1000 MHz. Either a loop or dipole antenna shall be used on frequencies between 18 MHz and 30 MHz. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum. If the system is not self-contained, measurements shall be made on two or more typical installations of the system. A sufficient number of measurements at the specified distance around the perimeter of the system must be made to ensure compliance. If the load on the system is expected to vary so as to affect the electromagnetic field, as in the case of a campus radio station connected to the power lines, the system shall be measured under the expected variations of the load.

19. Section 15.142 is amended to read as follows:

§ 15.142 Range of Measurements.

Measurements of radiated energy from a restricted radiation device shall be made over the frequency range listed below.

Frequency band in which the device operates	Range of frequency measurements	
	Lowest frequency	Highest frequency (megahertz)
Below 1600 kHz	10 kHz	20
1.6 to 70 MHz	Lowest RF frequency produced or used in the device	500
70 to 108 MHz	Lowest frequency generated in the device or 25 MHz, whichever is lower.	1000
108 to 500 MHz	Lowest frequency generated in the device or 25 MHz, whichever is lower.	2000
500 to 1000 MHz	Lowest frequency generated in the device or 100 MHz, whichever is lower.	5000

20. Section 15.143 is amended by revising the introductory paragraph, subgraph (b) and by adding new subparagraphs (l) and (m) to read as follows:

§ 15.143 Report of Measurements.

The report of measurements for a device operating under the provisions of this Part and built after October 1, 1975, shall include the following:

* * * * *

(b) A detailed description of the measurement procedure that was used. If a published standard was used, reference to the standard is sufficient. If the standard was not followed in every detail, describe how the actual procedure used differed from that in the standard. If the device or system is not self-contained, a detailed description of the typical installation(s) used to test the system must also be included.

* * * * *

(l) Measurements of the level of conducted RF energy fed back into the power line, if the device or system is connected to the power lines of a public utility system. Where such devices are provided with a ground connection, whether separate from or included in the power supply cable, measurements of power line conducted radio frequency voltages shall be made both with such ground connection attached and with its disconnected. Whichever condition produces the highest radio frequency voltage on any power condition will be considered to be the limiting condition. Tests using MIL-STD-461A are not acceptable, since this standard requires bonding the device to ground and testing it in that condition. The report must show the frequency and amplitude of all emissions in the range 0.45 to 25 MHz that are within 20 dB of the limit. If no significant emissions are detected, the report must so state and state the level below which emissions are not detectable. In lieu of the point by point measurements, the applicant may submit one or more photographs of a spectrum analyzer display covering the band 0.45 to 25 MHz. Such a photograph must show a frequency scale along the abscissa and a scale calibrated in microvolts (or in dB provided the value of 0 dB is stated) along the ordinate. A statement accompanying the photographs shall indicate all settings of the instrument, including the sweep rate and bandwidth.

(m) For a transmitting device intended to be operated in a carrier current system, for a low power communication device operating below 1600 kHz, or for any other device in which the radiated energy is dependent on the antenna and/or system configuration, a number of different typical system configurations must be tested to demonstrate compliance. In each case describe the network, show where and how the device generating the RF energy is connected and indicate on a scale drawing the location of the measurement points.

[FR Doc.76–12216 Filed 4–28–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 530–7; PP6E1742/P23]

[40 CFR Part 180]

BACILLUS THURINGIENSIS, BERLINER

Proposed Exemption From the Requirement of a Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP 6E1742) to the

Environmental Protection Agency (EPA) on behalf of the IR–4 Technical Committee and the 53 Agricultural Experiment Stations. This petition requests that the Administrator propose, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, that 40 CFR 180.1011 be amended by exempting residues of the microbial insecticide *Bacillus thuringiensis*, Berliner from the requirement of a tolerance in or on all raw agricultural commodities.

The data submitted in the petition and other relevant material have been evaluated. *Bacillus thuringiensis*, Berliner, is not a pathogenic organism, nor can it become one even under such extreme conditions as debilitation of a mammalian organism. The microorganism, additionally, is incapable of sporulation and multiplication under conditions existing in or on the vertebrate body, and consequently there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). This amendment to the regulations (40 CFR 180.1011) will protect the public health, and it is proposed, therefore, that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 1, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received within 30 days from the date of publication, and should bear a notation indicating both the subject and the petition/document control number "PP6E1742/P23". 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 21, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart D, Section 180.1011 be amended by revising paragraph (b) to exempt all raw agricultural commodities from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner, to read as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis*, Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner, as specified in paragraph (a) of this section, in or on all raw agricultural commodities when applied to growing crops in accordance with good agricultural practice.

* * * * *

[FR Doc.76-12387 Filed 4-28-76;8:45 am]

[FRL 531-2 OPP-300009]

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemptions from Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

At the request of several interested persons, the Administrator, Environmental Protection Agency, is proposing, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 to exempt certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them are as follows:

α - Alkyl (C_{12}–C_{18}) - ω - hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content is 3–13 moles and the oxypropylene content is 7–30 moles.	Olin Chemicals, 120 Long Ridge Rd., Stamford, Conn. 06904.
α-Alkyl (C_6–C_{10})-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles and polyoxyethylene content averages 5–12 moles.	Do.
α - Dodecylphenol - ω - hydroxypoly(oxyethylene/oxypropylene) heteric polymer where ethylene oxide content is 11–13 moles and oxypropylene content is 14–16 moles.	Do.
Trisodium Phosphate	Do.
Naphthalensulfonic acid-formaldehyde condensate, ammonium and sodium salts.	Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409.
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–16,000.	Basf Wyandotte Corp., 100 Cherry Hill Rd., Parsippanny, N.J. 07054.
Potassium Carbonate	PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.
Disodium 4-isodecyl sulfosuccinate	American Cyanamid Co., Wayne, N.J. 07470.
Sodium 1,4-dicyclohexyl sulfosuccinate	Do.
Sodium 1,4-dihexyl sulfosuccinate	Do.
Sodium 1,4-diisobutyl sulfosuccinate	Do.
Sodium 1,4-dipentyl sulfosuccinate	Do.
Sodium 1,4-ditridecyl sulfosuccinate	Do.
Tridecylpoly(oxyethylene)acetate, Sodium salt; where the ethylene oxide content averages 6–7 moles.	Sandoz Colors and Chemicals, East Hanover, N.J. 07936.

Based on available information on the chemistry and toxicity of these substances, as well as on a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful as adjuvants and do not pose a hazard. It is concluded, therefore, that the proposed amendment to the regulations (40 CFR 180.1001) will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 1, 1976, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the FEDERAL REGISTER section, Technical Services Division (WH–569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others inspecting them. The comments must be received on or before June 1, 1976, and should bear a notation indicating the subject and the OPP document control number "OPP–300009". 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 am to 4 pm Monday through Friday.

Dated: April 23, 1976.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, subpart D, § 180.1001 be amended by deleting the "a-alkyl-(C_8–C_{10})-w-hydroxypoly (oxypropylene) * * *" in paragraphs (c) thalenesulfonic acid-formaldehyde condensate * * *" in paragraph (d) and "poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–9,000 * * *" in paragraph (c), and by alphabetically inserting new items in paragraph (c), (d), and (e) as follows:

* * * * *

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * *	*	* *
α-Alkyl (C_8–C_{10})-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles; polyoxyethylene content averages 5–12 moles.	---	Solvent, cosolvent, surfactant, related adjuvants of surfactants.
* * * *	*	* *
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–16,000.	---	Surfactants, related adjuvants of surfactants.
* * * *	*	* *
Tridecylpoly(oxyethylene)acetate, sodium salt; where the ethylene oxide content averages 6–7 moles.	---	Do.
* * * *	*	* *
(d) * * *		
* * * *	*	* *
α-Alkyl (C_{12}–C_{15})-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer in which the oxyethylene content is 8–13 moles and the oxypropylene content is 7–30 moles.	---	Solvent, cosolvent, surfactant, and related adjuvants of surfactants.
* * * *	*	* *
α - Dodecylphenol-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer where ethylene oxide content is 11–13 moles and oxypropylene content is 14–16 moles.	---	Surfactants, related adjuvants of surfactants.
* * * *	*	* *
Disodium 4-isodecyl sulfosuccinate	---	Do.
* * * *	*	* *
Naphthalenesulfonic acid-formaldehyde condensate, ammonium and sodium salts.	---	Do.
* * * *	*	* *
Potassium carbonate	---	Buffering agent.
* * * *	*	* *
Sodium 1,4-dicyclohexyl sulfosuccinate	---	Surfactants, related adjuvants of surfactants.
Sodium 1,4-dihexyl sulfosuccinate	---	Do.
Sodium 1,4-diisobutyl sulfosuccinate	---	Do.
Sodium 1,4-dipentyl sulfosuccinate	---	Do.
Sodium 1,4-ditridecyl sulfosuccinate	---	Do.
* * * *	*	* *
(e) * * *		
* * * *	*	* *
α-Alkyl (C_{12}–C_{15})-ω-hydroxypoly(oxyethylene/oxypropylene)heteric polymer in which the oxyethylene content is 8–13 moles and the oxypropylene content is 7–30 moles.	---	Solvent, cosolvent, surfactant, and related adjuvants of surfactants.
* * * *	*	* *
α-Alkyl (C_8–C_{10})-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content averages 3 moles and polyoxyethylene content averages 5–12 moles.	---	Do.
* * * *	*	* *
Tridecylpoly(oxyethylene)acetate, sodium salt; where the ethylene oxide content averages 6–7 moles.	---	Surfactants, related adjuvants of surfactants.
* * * *	*	* *
Trisodium phosphate	---	Precipitant, buffer, filler.
* * * *	*	* *

[FR Doc.76-12688 Filed 4-28-76;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

Office of the Secretary

ACRYLIC SHEET FROM JAPAN

Determination of Sales at Less Than Fair Value and Discontinuance of Investigation

Information was received on June 19, 1975, from counsel acting on behalf of the Polycast Technology Corporation, of Stamford, Connecticut, alleging that acrylic sheet from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the U.S. Customs Service, an "Anti-dumping Proceeding Notice" was published in th FEDERAL REGISTER of July 21, 1975 (40 F.R. 30509).

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of January 22, 1976 (41 F.R. 3324).

Determination of Sales at Less Than Fair Value and Discontinuance of Investigation

I hereby determine that, for the reasons stated below, acrylic sheet from Japan other than that produced and sold by Mitsubishi Rayon Co., Ltd., is being, or is likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)). In the case of acrylic sheet from Japan produced and sold by Mitsubishi Rayon Co., Ltd., I hereby discontinue the antidumping investigation.

After careful consideration it has been deemed appropriate to modify existing policy to discontinue the investigation with respect to any company, even if sales by other companies are made at margins of dumping which are more than minimal, when all or nearly all sales by such company to the U.S. during the period under consideration have been examined and the possible margins of dumping are minimal in relation to the volume of exports of the subject merchandise by such company. Under such circumstances, and consistent with existing policy where a discontinuance has applied on a country-wide basis, assurances of no future sales at less than fair value will be required, and such company, or companies, will be required to make such periodic reports as the Secretary deems appropriate.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION AND DISCONTINUANCE ARE BASED

The reasons and bases for the above determination and discontinuance are as follows:

a. *Scope of the Investigation.*

It appears that over 70 percent of the subject merchandise from Japan was produced and sold by either Kyowa Gas Chemical Industry Co., Ltd., or Mitsubishi Rayon Co., Ltd., both of Tokyo, Japan. Therefore the investigation was limited to these two producers.

b. *Basis of Comparison.*

For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales were made to non-related Japanese trading companies. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.*

For purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31 (b)), pricing information was obtained concerning imports of acrylic sheet from Japan during the period March 1 through July 31, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. With respect to merchandise sold by Kyowa Gas Chemical Industry Co., Ltd., the purchase price has been calculated on the basis of the ex-godown, Japanese port, packed price to the United States, with a deduction for inland freight. With respect to merchandise sold by Mitsubishi Rayon Co., Ltd., the purchase price has been calculated on the basis of the f.o.b., Japanese port, packed price to the United States, with deductions for inland freight, warehouse handling and distribution, and f.o.b. charges.

d. *Home Market Price.*

For purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the delivered, net, packed price to distributors. Adjustments were made for rebates, interest costs, freight, sales aids and advertising provided for the benefit of purchasers in later sales, reimbursements to customers for defective merchandise, and packing cost differentials, as appropriate, for both producers, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for interest costs relate to extended payment terms granted to customers in the home market. With respect to sales by Mitsubishi Rayon Co., further adjustments for differences in circumstances of sales were made for certain other sales aids, including technical service brochures, provided for the benefit of purchasers in later sales.

Adjustments were claimed by counsel for both producers for differences in circumstances of sales in accordance with section 153.8, Customs Regulations (19 CFR 153.8), for warehousing costs for inventory purposes, salesmen's salaries and office expenses, and certain technical services. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. Certain claimed adjustments for technical services were not allowed because of an absence of sufficient evidence of the direct relationship of such expenses to the sales under consideration. With respect to sales by Kyowa Gas Chemical Industry Co., Ltd., additional adjustments were claimed for bad debts, interest on stock for domestic sales, and the depreciation of machinery used for technical services. These expenses also do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, warehousing costs for inventory purposes are not an allowable adjustment, since these expenses must be borne regardless of whether particular sales are made.

Salesmen's salaries, unlike commissions, are also not an allowable adjustment to home market price, since they too must be paid by the company irrespective of whether sales are made.

With respect to technical services performed in the home market, adjustment for expenses which are incurred regardless of whether a particular sale is made, such as technicians' salaries, would be inappropriate. Adjustments for expenses incurred only when sales are actually made, such as travel expenses in connection with after-sale technical services, are only allowable where such expenses are incurred by a foreign company in its home market for the purchaser in connection with the particular sale under consideration, rather than as a service provided for all potential purchasers.

e. *Results of Fair Value Comparison.*

In the case of Kyowa Gas Chemical Industry Co., Ltd., and using the above

criteria, purchase price was found to be lower than the home market price of such or similar merchandise. Comparisons were made on 100 percent of all acrylic sheet sold to the United States during the period of investigation. Margins were found, ranging from 7.2 to 84.3 percent, on 74 percent of the sales compared, with a weighted average margin on all sales of 48.9 percent.

In the case of Mitsubishi Rayon Co., Ltd., and using the above criteria, the comparisons made on 100 percent of the sales during the representative period revealed some instances where purchase price was lower than adjusted home market of such or similar merchandise. However, these margins amounted to only 1 percent when weighed over 100 percent of the sales and these have been determined to be minimal in terms of the volume of sales involved. In addition, formal assurances have been received from the producer that it would make no future sales at less than fair value within the meaning of the Act.

The United States International Trade Commisison is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APRIL 23, 1976.

[FR Doc.76-12408 Filed 4-28-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVY RESALE SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of a closed meeting of the Navy Resale System Advisory Committee on May 17, 1976, at the Naval Air Station, Jacksonville, Florida. The meeting will commence at 9:00 a.m. and is scheduled to terminate at 12:00 noon. The agenda consists of matters relating solely to the internal policies and practices of the Navy Department insofar as they pertain to Navy Resale Affairs, including a review of operations, financial controls, personnel policies, facilities, and various aspects of system administration, and will involve discussion of trade secrets and privileged or confidential commercial or financial information. The Secretary of the Navy for that reason has determined in writing that this meeting will be closed to the public because it will be concerned with matters listed in section 552(b)(2) and (4) of title 5, United States Code.

Dated: April 26, 1976.

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

[FR Doc.76-12420 Filed 4-28-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-54864]

WYOMING

Application

APRIL 22, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4½" pipeline for the purpose of transporting natural gas across the following National Resource Lands:

T. 28 N., R. 113 W., 6th P.M.,
Sec. 8: E½SE¼;
Sec. 17: W½NE¼, NE¼NW¼.

The pipeline will transport natural gas from a well in sec. 17 to an existing gathering system in sec. 8, T. 28 N., R. 113 W., Sublette County, Wyoming.

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

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-12402 Filed 4-28-76;8:45 am]

National Park Service

CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA

Environmental Assessment for General Management Plan and Wilderness Study; Availability and Meetings

An Environmental Assessment considering alternatives for preservation, development and public use of Cumberland Island National Seashore, including possible wilderness designation alternatives, is available for inspection at the Southeast Regional Office of the National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, or the Office of the Superintendent, Cumberland Island National Seashore, P.O. Box 806, St. Marys, Georgia 31558, upon request. In addition, as part of the Service's program for public participation in planning, public meetings to consider the material in the assessment will be held at the following locations and times:

June 3, 1976 at 2:00 p.m., Camden County High School, St. Marys, Georgia.

June 4, 1976 at 8:00 p.m., Fourth Floor, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia.

In addition to the alternatives, the assessment considers the nature of the resources, impacts of the various alternatives, mitigating measures to soften the effect of an alternative on the human environment and adverse effects that cannot be avoided should the proposal be adopted. Public comments on the assessment and its alternatives are solicited. Written and oral comments on the assessment and its contents will be received for consideration at the meetings. In addition written comments will be received at the offices listed above for a period of 30 days following the public meetings.

Dated: April 22, 1976.

JAMES L. BAINBRIDGE,
Acting Regional Director, Southeast Region.

[FR Doc.76-12447 Filed 4-28-76;8:45 am]

GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, May 15, 1976, at the Fort Mason Officers' Club, Fort Mason, San Francisco, CA.

The Advisory Commission was established by Public Law 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Dr. Edgar Wayburn
Mr. Jack Spring
Mr. Joseph Williams

The major item on the agenda will be a discussion of the proposal for a youth hostel at Fort Mason.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Manager, Bay Area National Parks, Fort Mason, San Francisco, CA 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by June 15, 1976 in the Office of the General Man-

ager, Bay Area National Parks, Fort Mason, San Francisco, CA.

Dated: April 20, 1976.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

[FR Doc.76-12635 Filed 4-28-76;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Invitation to New Entrants in Guam and the Virgin Islands

CROSS REFERENCE: For a document issued jointly by the Department of the Interior, Office of the Secretary, and the Department of Commerce, on the subject of new entrants in Guam and the Virgin Islands, see FR Doc. 76-12465 appearing in the notices section of this issue under the Department of Commerce.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 1 p.m., on Friday, May 14, 1976.

The purpose of the meeting is to advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets he has designated pursuant to the Tobacco Inspection Act, 7 U.S.C. 511-511q.

Matters to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR, Part 29, Subpart G, § 29.9404. In addition, organizational structures will be discussed to seek overall committee effectiveness. Officers will be elected.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300-12th Street, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: April 26, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12515 Filed 4-28-76;8:45 am]

ILLINOIS; GRAIN STANDARDS

Grain Inspection Point

Statement of considerations. On February 18, 1976, there was published in the FEDERAL REGISTER (41 FR 7437) a notice announcing (1) a proposal transfer of the designation to operate as an official inspection agency, as defined in section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)), at Alton, Illinois, and (2) the application by Thomas P. Russell, Alton, Illinois, for designation to operate as an official inspection agency. Interested persons were given until March 18, 1976, to make application for designation to operate as an official inspection agency at Alton, Illinois, and to submit written views and comments with respect to the proposed transfer.

There were no comments received from users of the service. No applications for designation were received other than the application from Thomas P. Russell and no adverse comments on the application were received.

After due consideration of all submissions made pursuant to the notice of February 18, 1976, and all relevant matters, the designation to operate as an official inspection agency at Alton, Illinois, is hereby transferred from Raymond S. Russell to Thomas P. Russell.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective April 29, 1976.

Done in Washington, D.C. on: April 26, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12517 Filed 4-28-76;8:45 am]

LOUISIANA; GRAIN STANDARDS

Grain Inspection Point

Notice is hereby given that the South Louisiana Port Inspection and Weighing Board, Inc., which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Destrehan and Ama, Louisiana, has changed its name to South Louisiana Grain Services, Inc. The change in name does not involve a change in management, but does involve a change in ownership in that the Chief Inspector now owns a small percentage of stock in the corporation.

Done in Washington, D.C. on: April 26, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12518 Filed 4-28-76;8:45 am]

OKLAHOMA; GRAIN STANDARDS

Grain Inspection Point

Statement of considerations. On March 1, 1976, there was published in the FEDERAL REGISTER (41 FR 8875) a notice announcing (1) a proposed transfer of the designation to operate as an official inspection agency, as defined in section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)), at Alva, Oklahoma, and (2) the application by Delbert Howell, Alva, Oklahoma, for designation to operate as an official inspection agency. Interested persons were given until March 31, 1976, to make application for designation to operate as an official inspection agency at Alva, Oklahoma, and to submit written views and comments with respect to the proposed transfer.

No comments were received from users of the service. No applications for designation were received other than the application from Delbert Howell, and no adverse comments on the application were received.

After due consideration of all submissions made pursuant to the notice of March 1, 1976, and all relevant matters, the designation to operate as an official inspection agency at Alva, Oklahoma, is hereby transferred from W. Elmo Bailey to Delbert Howell.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective April 29, 1976.

Done in Washington, D.C., on: April 26, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-12516 Filed 4-28-76;8:45 am]

Farmers Home Administration

[Notice of Designation Number A337]

ARKANSAS

Designation of Emergency Areas

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

Chicot—tornadoes February 17, 1976.
Woodruff—excessive rainfall April 11 through June 18, 1975; excessive rainfall August 5, 1975, and November 6, 1975; cool weather September 17 through September 23, 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 Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David H. Pryor that such designation be made.

Applications for emergency loans must be received by this Department no later than June 16, 1976, for physical losses and January 17, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subse-

quent 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, DC, this 22nd day of April, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 76-12433 Filed 4-28-76;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Meeting

The Condor Advisory Committee will meet May 20, 1976 at 9:00 a.m. in Rooms B and C of the 100 California Street Building in San Francisco, California 94111.

The purpose of the meeting is to discuss the current management programs and problems confronting the California Condor and its habitat.

This meeting is open to the public. Persons, who wish to attend should notify Mr. Robert D. Nelson, USDA, Forest Service, Fisheries and Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415-556-4539). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

THEODORE W. KOSKELLA,
Acting Regional Forester.

[FR Doc.76-12434 Filed 4-28-76;8:45 am]

LAND USE PLAN; SHASTA AND CLAIR ENGLE-LEWISTON UNITS WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA SHASTA-TRINITY NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan, Shasta and Clair Engle Units of the Whiskeytown-Shasta-Trinity National Recreation Area, Shasta-Trinity National Forest, California, USDA-FS-R5-FES(Adm)-75-10.

The environmental statement concerns a proposed land use plan for the 120,000 acres of National Forest lands known as the Whiskeytown-Shasta-Trinity National Recreation Area of the Shasta-Trinity National Forest, in Shasta and Trinity Counties, California. Fifteen thousand four hundred acres within this area have been inventoried as "roadless."

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on April 22, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
Forest Supervisor's Office, Shasta-Trinity National Forest, 1615 Continental Street, Redding, CA 96001.
Forest Service, District Ranger, P.O. Box T, Weaverville, CA 96093.
Regional Forester, U.S. Forest Service, 630 Sansome Street, Rm. 529, San Francisco, CA 94111.
Forest Service, District Ranger, 6543 Holiday Rd., Redding, CA 96001.

A limited number of single copies are available, upon request to Forest Supervisor, Richard J. Pfilf, Shasta-Trinity National Forest, 1615 Continental Street, Redding, California 96001.

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

DOUGLAS R. LEISZ,
Regional Forester.

APRIL 22, 1976.

[FR Doc.76-12398 Filed 4-28-76;8:45 am]

MT. WELBA LAND USE PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for management of the Mt. Welba Unit on the Routt National Forest. The Forest Service Report Number is USDA-R2-FES(Adm) FY-76-03.

This environmental statement concerns a management proposal which emphasizes both nonconsumptive values and production of tangible products, with management activities restricted on an area of highly unstable soils. It would permit a mixture of needed land uses and activities in the future that are environmentally acceptable and compatible with the area's economic and social potential. The initial activity would consist of constructing about four miles of road and harvesting four million board feet of timber. The proposed Plan does not retain any of the 8,650 acres of Roadless Area DF (Mt. Welba) in designated roadless status.

The draft environmental statement was transmitted to CEQ on December 16, 1975.

This final environmental statement was transmitted to CEQ on April 23, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Indepedence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 137-10th Street, Steamboat Springs, Colorado 80477.
USDA, Forest Service, 11177 West Eight Avenue, Lakewood, Colorado 80225.
USDA, Forest Service, 580 Pershing, Craig, Colorado 81625.

A limited number of single copies are available upon request to: J. Merle Prince, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477.

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

APRIL 23, 1976.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.76-12399 Filed 4-28-76;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Invitation for New Entrants in Guam and the Virgin Islands

On December 30, 1975, the Departments of the Interior and Commerce published 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.).

Section 8 of the Departments' Joint Notice provides as follows:

With respect to the Virgin Islands and Guam quotas, after taking into account the Headnote 3(a) shipments through March 31, 1976, of the 1976 quota recipients, the Departments may set aside 200,00 and 700,000 units respectively of the calendar year 1976 Virgin Islands and Guam quotas for new firms and invite quota applications from new firms on Form DIB-334P. The Departments may also require new firms to provide information regarding the applicant's experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates; watch movement assembly operations to be performed and types of movements to be assembled in the territories; estimated direct labor costs; anticipated capital investment in the territories; proposed source of financing; and plans for marketing movements assembled in the territories. (By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate from and unassociated with any present or previous producer in terms of ownership and control.) Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set aside portion of the calendar year 1976 Virgin Islands and Guam quotas among those applicants whose proposals, in the judgment of the Departments, offer the likelihood of the greatest contribution to the economy of the territories, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territories. Any part or all of the set aside quotas not allocated under this provision shall be reallocated among the 1976 quota recipients in the appropriate territories in a manner best suited to contribute to the economies of the territories.

Section 2 of the Department's Joint Notice provides in pertinent part that in the event of quota cancellation or re-

duction under this section, or in the event a firm voluntarily relinquishes a part of its quota, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining producers: provided however, That if in the judgment of the Departments if it is appropriate, applications from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder or any quota voluntarily relinquished.

In accordance with Section 8 above, and after taking into account the Headnote 3(a) shipments through March 31, 1976, of the 1976 quota recipients, the Departments have set aside 200,000 units of the 1976 Virgin Islands quota for new firms. Following the evaluation of Headnote 3(a) shipments through March 31, 1976, of 1976 quota recipients in Guam, the Departments have set aside 70,000 units of the 1976 Guam quota for a new firm(s). Moreover, it is the best judgment of the Departments that 60,000 additional units voluntarily relinquished in Guam should be made available for new firms in lieu of reallocation. In view of present levels of quota utilization in Guam the Departments consider the action appropriate and one which offers the potential for further contribution to the economy of the territory. Thus a total of 130,000 units of the 1976 Guam quota is available for allocation to new firms.

Upon publication of this Joint Notice in the FEDERAL REGISTER interested parties are invited to apply for a new entrant quota in the Virgin Islands or Guam for calendar year 1976 on Form DIB–334P. The form should be completed in accordance with the following instructions which have been approved by the Office of Management and Budget:

Question No.	*Instructions*
1	Not applicable.
2	Answer.
3	Not applicable.
4	Answer and change Jan. 1, 1976, to date of application.
5	Do.
6	Answer part (c) only.
7	Not applicable.
8	Answer.
9	Answer and change Jan. 1, 1976, to date of application.
10	Not applicable.
11	Answer as to any contractual arrangement(s) in effect as of the date of application.
12	Answer as of date of application.
13	Answer.
14	Not applicable.
15(a)	Answer as to proposed assembly operations to be performed in the territory.
(b) (c)	Not applicable.
16(a)	Answer as to proposed operation.
(b)	Do.
(c)	Do.
(d)	Not applicable.
17	Answer as to proposed operation.
18(a)	Not applicable.
(b) (1)	Answer as to proposed operation, excluding "total duty paid" columns.
(b) (2)	Not applicable.
(c)	Do.
(d)	Answer as to proposed operation.
19	Not applicable.
20(a)	Do.
(b) (1)	Answer as to proposed operation, excluding "total duty paid" column.
(b) (2)	Not applicable.
21	Do.
22	Do.
23	Do.
24(a)	Answer as to proposed operation.
(b)	Not applicable.
25 through 30	Do.

In addition to the information to be supplied on Form DIB–334P, new entrant applicants are also required, with the approval of the Office of Management and Budget, to provide the following information:

1. A copy of the most recent certified financial statement for—

a. Applicant.

b. Any company listed in answer to question no. 8 of Form DIB–334P.

2. Anticipated source of financing of capital investment required for proposed watch movement assembly operation in the territory (land, building, equipment, parts inventory, etc.). If proposed capital investment is contingent upon receiving financial or other assistance from the federal government, the territorial government or from other sources, give complete details including exemption from territorial taxes and customs duties.

3. Describe exemptions, subsidies or refunds firm has applied to receive or intends to apply for from the territorial government in connection with the proposed watch assembly operation.

4. Maximum number of watch movements applicant could assemble and ship during calendar year 1976, if more than the number indicated in reply to question no. 13 of Form DIB–334P.

5. Minimum amount of quota (units) applicant would require in order to establish a viable watch movement assembly operation, if less than the number indicated in reply to question no. 13 of Form DIB–334P.

6. Anticipated source of watch movement parts (see question no. 18(b)(1) of Form DIB–334P) and whether or not applicant plans to case watch movements in the Virgin Islands or Guam.

7. Anticipated number of *local* workers to be employed in the Virgin Islands or Guam by job classification (see question no. 28 of Form DIB–334P) and proposed wage rates for local watch movement assembly workers. Anticipated number of *other* workers to be employed.

8. Estimated direct labor cost, by type of movement, (see question no. 17 of Form DIB–334P) per watch movement assembled in the Virgin Islands or Guam, exclusive of general, sales and administrative costs.

9. Estimated time applicant would require to—

a. Establish watch movement assembly operations in the Virgin Islands or Guam.

b. Begin shipment of locally assembled watch movements to the United States.

10. Applicant's experience which qualifies it to establish and operate a watch movement assembly facility in the Virgin Islands or Guam.

11. A statement indicating how the watch movements assembled in the Virgin Islands or Guam would be distributed in the United States market.

Copies of Form DIB–334P which has been prepared jointly by the Departments may be obtained from:

U.S. Department of Commerce, Domestic and International Business Administration, Office of Import Programs (Code 322), Washington, D.C. 20230. Attn: Special Import Programs Division.

All applications for a new entrant allocation must be received by the Departments at the above address on or before May 28, 1976. Based on the Departments' evaluation of the information submitted by applicants and in accordance with Section 8 of the Joint Notice, the Departments may allocate all or part of the set-aside or voluntarily relinquished quota among those applicants whose proposals in the judgment of the Departments, will best serve the interests of the territories. It is the intention of the Departments that any allocations to be made from the 1976 quota that has been voluntarily relinquished or set aside will be published in the FEDERAL REGISTER on or about June 30, 1976. Any quota not allocated to new firms will be reallocated among the 1976 quota recipients in the respective territories in a manner considered to maximize the economic benefits accruing to the territories.

Recipients of a new entrant quota allocation will be required to comply with United States Customs regulations concerning those assembly operations which must be performed in the territory in order to qualify watch movements for duty-free entry into the customs territory of the United States under General

Headnote 3(a), T.S.U.S., and with the general requirements of the territorial government regarding the establishment and conduct of business in the Virgin Islands or Guam.

Failure on the part of the recipient of a new entrant quota allocation for calendar year 1976 to abide substantially and in a timely fashion with the terms and conditions in its application upon which the Departments relied in making such allocation may result in the reduction or cancellation of its quota by the Departments.

Any questions which may arise concerning this Joint Notice should be directed to the attention of Richard M. Seppa, at the address listed earlier in this Notice (Area Code 202, 377-2925).

Dated: April 23, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

JOHN E. DEYOUNG,
Acting Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc.76-12465 Filed 4-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0073]

ANHEUSER-BUSCH, INC.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0060) has been filed by Markel, Hill and Byerley, 1625 K St., NW., Washington, DC 20006 on behalf of Anheuser-Busch, Inc., St. Louis MO and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that high-fructose corn syrup treated with glucose isomerase from *actinoplanes missouriensis* is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before June 28, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: April 21, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-12417 Filed 4-28-76;8:45 am]

[Docket No. 75G-0124]

BNB TRADING CO., INC.

Notice of Withdrawal of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1785-1786 (21 U.S.C. 348 (b))), the following notice is issued: BNB Trading Co., Inc., 1801 Preston Tower, Dallas, TX 75225, has withdrawn its petition (GRASP 5G0056) without prejudice, notice of which was published in the FEDERAL REGISTER of July 16, 1975 (40 FR 29913), proposing that the substance *Rhynchosia pyramidalis* extract be affirmed as generally recognized as safe (GRAS) as a flavoring agent in liqueurs.

Dated: April 21, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-12419 Filed 4-28-76;8:45 am]

[Docket No. 76F-0114]

EASTMAN CHEMICAL PRODUCTS, INC.

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 6A3186) has been filed by Eastman Chemicals Products, Inc., Kingsport, TN 37662, proposing that § 121.1244 *Tertiary butylhydroquinone (TBHQ)* (21 CFR 121.1244) and § 121.2576 *Cross-linked polyster resins* (21 CFR 121.2576) be amended to recognize TBHQ as the common or usual name for the food additive, tertiary butylhydroquinone.

Dated: April 21, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-12418 Filed 4-28-76;8:45 am]

National Institutes of Health

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, June 29-30, 1976, National Institutes of Health, Building 31-C, Conference Room 8, Bethesda, MD. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 29, to review the progress reports of the Dental Research Institutes and Centers; to review the concept and guidelines for Dental Research Institutes and Centers, and to develop a format for competing applications for Dental Research Institutes and Centers. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Committee will be closed to the public on June 30 from 9:00 a.m. to adjournment, for review, discussion and evaluation of renewal grant applications. The closed portion of the meetings involves information of a proprietary or confidential nature, including research protocols, designs or other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301-496-7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: April 23, 1976.

SUZANNNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-12406 Filed 4-28-76;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meetiing

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee on June 7 and 8, 1976, from 9:00 a.m. to 5:00 p.m., at the National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on June 7, 1976, to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code, and Section 10(d) of Public Law 92-463, the meeting of the Committee will be closed to the public on June 7 from 10:00 a.m. to 5:00 p.m. and on June 8 from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of individual initial pending, renewal, and supplemental grant applications. The closed portions of the meetings involve solely the inter-

nal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, telephone (301) 496-5545, will furnish rosters of Committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12404 Filed 4-28-76;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS AND CONSTRUCTION

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers and Construction, National Cancer Institute, June 4, 1976, Westwood Building, Room 825, 5333 Westbard Avenue, Bethesda, Maryland 20016.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. to review centers for comprehensive status and PHS guidelines for cancer centers; and to evaluate and discuss long-range plans for the cancer centers program.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and a roster of committee members upon request.

Dr. Simeon Cantril, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20016 (301/496-7427) will provide substantive program information.

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer.

[FR Doc.76-12405 Filed 4-28-76;8:45 am]

DIVISION OF RESEARCH GRANTS, PATHOLOGY STUDY SECTIONS A AND B

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the second session of the second day of each meeting. Attendance by the public will be limited to space available. These meetings will be closed for the first sessions, June 1, 1976, beginning at 8:30 p.m. to adjournment, and for the rest of the sessions except as stated above, in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	June 1976 meetings	Time	Location
		p.m.	
Pathology A, Dr. William B. Savchuck, room 337, telephone 301-496-7305.	1-4	8:30	Hotel LaValencia, La Jolla, Calif.
Pathology B, Mrs. Barbara S. Bynum, room 352, telephone 301-496-7244.	1-4	8:30	Summer House Inn, La Jolla, Calif.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.393, 13.394, 13.838, 13.846, 13.847, 13.862, 13.865, 13.866, National Institutes of Health, DHEW)

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12403 Filed 4-28-76;8:45 am]

DIVISION OF RESEARCH GRANTS, STUDY SECTION

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following study sections for June 1976 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	June 1976 meetings	Time	Location
		a.m.	
Applied Physiology and Bioengineering, Mrs. Ileen E. Stewart, Room 318, telephone 301-496-7581.	24-26	9:00	Building 31, Bethesda, Md.
Bacteriology and Mycology, Dr. Milton Gordon, room A-27, telephone 301-496-7340.	3-5	8:30	Holiday Inn, Chevy Chase, Md.
Biochemistry, Dr. Adolphus P. Toliver, room 350, telephone 301-496-7516.	2-5	9:00	TowneHouse Hotel, San Francisco, Calif.
Biophysics and Biophysical Chemistry A, Dr. Irvin Fuhr, room 4A-09, telephone 301-496-7060.	3-5	9:00	Sir Francis Drake Hotel, San Francisco, Calif.
Biophysics and Biophysical Chemistry B, Dr. John B. Wolff, room 4A-07, telephone 301-496-7070.	3-5	8:30	Do.
Cardiovascular and Pulmonary, Dr. Vincent J. Cairoli, room 339, telephone 301-496-7901.	9-12	8:30	Holiday Inn, Bethesda, Md.
Cardiovascular and Renal, Dr. Floyd O. Atchley, room 339, telephone 301-496-7901.	2-5	8:30	Do.
Cell Biology, Dr. Evelyn A. Horenstein, room 4A-04, telephone 301-496-7020.	14-17	8:30	Do.

Study section	June 1976 meetings	Time	Location
Communicative Sciences, Mr. Frederick J. Gutter, room 321, telephone 301-496-7550.	9-11	8:30	Building 31, Bethesda, Md.
Computer and Biomathematical Sciences, Dr. Bernice S. Lipkin, room 310, telephone 301-496-7568.	23-25	9:00	Miyako Hotel, San Francisco,
Epidemiology and Disease Control, Mr. Glenn G. Lamson, Jr., room 4A-11, telephone 301-496-7224.	2-4	8:30	Building 31, Bethesda, Md.
Experimental Psychology, Dr. A. Keith Murray, room 220, telephone 301-496-7004.	16-19	9:30	Shoreham Americana, Washington, D.C.
Experimental Therapeutics, Dr. Anne R. Bourke, room 319, telephone 301-496-7839.	3-5	8:30	Kenwood Club, Bethesda, Md.
Experimental Virology, Dr. Eugene Zebovitz, room 206, telephone 301-496-7474.	7-9	8:30	Building 31, Bethesda, Md.
General Medicine A, Dr. Harold M. Davidson, room 354, telephone 301-496-7797.	14-16	9:00	Rockefeller University, New York, N.Y.
General Medicine B, Dr. William F. Davis, Jr., room 322, telephone 301-496-7730.	20-22	8:00	Hyatt on Union Sq., San Francisco, Calif.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 301-496-7271.	9-11	9:00	Kenwood Club, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301-496-7508.	3-5	9:00	Holiday Inn, Chevy Chase, Md.
Human Embryology and Development, Dr. Samuel Moss, room 221, telephone 301-496-7597.	9-11	9:00	Kenwood Club, Bethesda, Md.
Immunobiology, Dr. James H. Turner, room A-25, telephone 301-496-7780.	16-18	9:00	Hyatt House, Hilton Head Island, S.C.
Immunological Sciences, Dr. Lottie Kornfeld, room A-26, telephone 301-496-7179.	14-16	9:00 p.m.	Building 31, Bethesda, Md.
Medicinal Chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301-496-7286.	2-5	7:00 a.m.	Do.
Medicinal Chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301-496-7286.	17-19	9:00	Snowbird Lodge, Snowbird, Utah.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301-496-7091.	17-19	8:30	Cliff Hotel, San Francisco, Calif.
Microbial Chemistry, Dr. Gustave Silber, room 357, telephone 301-496-7130.	17-19	8:30	Holiday Inn, Bethesda, Md.
Molecular Biology, Dr. Donald T. Disque, room 328, telephone 301-496-7830.	3-5	8:30	Embassy Row Hotel, Washington, D.C.
Molecular Cytology, Dr. Wendell H. Kyle, room 325, telephone 301-496-7149.	3-5	8:30	TowneHouse Hotel, San Francisco, Calif.
Neurology A, Dr. William E. Morris, room 326, telephone 301-496-7095.	16-19	9:00	Building 31, Bethesda, Md.
Neurology B, Dr. Willard L. McFarland, room 2A-10, telephone 301-496-7422.	3-5	8:00	Embassy Row Hotel, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301-496-7178.	14-16	8:30	Holiday Inn, Bethesda, Md.
Pathobiological Chemistry, Dr. J. Sri Ram, room 206, telephone 301-496-7432.	23-26	8:30	Do.
Pharmacology, Dr. Joseph A. Kaiser, room 334, telephone 301-496-7408.	22-25	8:30	Do.
Physiological Chemistry, Dr. Robert L. Ingram, room 338, telephone 301-496-7837.	3-5	8:00	TowneHouse Hotel, San Francisco, Calif.
Physiology, Dr. Clara E. Hamilton, room 219, telephone 301-496-7878.	3-5	9:00	Building 31, Bethesda, Md.
Radiation, Dr. Robert L. Straube, room 309, telephone 301-496-7510	22-25	9:00	Sir Francis Drake Hotel, Francisco, Calif.
Reproductive Biology, Dr. Dharam S. Dhindsa, room 307, telephone 301-496-7318.	7-10	8:30	Holiday Inn, Bethesda, Md.
Surgery A, Dr. Raymond J. Helving, room 336, telephone 301-496-7771.	11-12	8:30	Do.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 301-496-7506.	11-12	8:30	Do.
Toxicology, Dr. Rob S. McCutheon, room 226, telephone 301-496-7570.	24-26	8:00	Do.
Tropical Medicine and Parasitology, Dr. Betty June Myers, room 319, telephone 301-496-7494.	16-18	8:30	Connecticut Inn Motel, Washington, D.C.
Virology, Dr. Claire H. Winestock, room 340, telephone 301-496-7128.	3-5	8:30	Building 31, Bethesda, Md.
Visual Sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 301-496-7180.	2-4	9:00	Statler Hilton Hotel, Washington, D.C.
Visual Sciences B., Dr. Marie A. Jakus, room 353, telephone 301-496-7251.	2-5	9:00	Kenwood Club, Bethesda, Md.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.349, 13.393-13.396, 13.836-13.844, 13.846-13.871, 13.876, National Institutes of Health, DHEW)

Dated: April 23, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-12407 Filed 4-28-76;8:45 am]

Office of Education

TEACHER CORPS PROJECTS

Notice of Final Criteria for Selection of Applications

On December 17, 1975, there was published in the FEDERAL REGISTER at 40 FR 58486, a Notice which set forth proposed criteria for selection of applicants for fiscal year 1976 under Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258 as amended, 20 U.S.C. Sections 1101-1107a). The General Provisions Regulations (45 CFR Parts 100 and 100a) are also applicable to these grants.

Summary of Comments. Interested persons were given thirty days after December 17, 1975, to submit comments, suggestions or objections to the proposed criteria. Ten comments were submitted to the Office of Education regarding the proposed criteria. After the summary of each comment, a response is set forth indicating changes which have been made in the criteria, or the reasons why no change is deemed necessary. The comments are arranged in the order of the final criteria.

I. Criteria for the Selection of Teacher Corps Projects Applications.

1. *Submission of proposals—Comment.* Six commenters suggested including a statement of the State Education Department's approval role in the submission of proposals.

Response. No change was made. The State Education Department's role is already explicit in the law and application instructions. 20 U.S.C. Section 1103(a)(2) requires approval by the appropriate State educational agency of all grants or contracts between the Office of Education and institutions of higher education or local educational agencies. Every institution applying for Teacher Corps funds is sent HEW form 603-7, "Application for Federal Assistance," and OE form 298, "Instructions for Completing Application for Federal Assistance." Page Two of the instructions specifies the State Education Department role: "All applicants must obtain approval by the State Department of Education for the project and submit a letter from the State Department of Education containing such approval with this application."

2. *Priorities—Comment.* A commenter suggested that the criteria specify priority for projects having a concentration of minority students but less than a majority of minority teachers. It was stated that a clause should specifically mention its applicability to schools controlled by Native American organizations.

Response. No change was made. The Teacher Corps Statute does not include a mandate to meet teacher shortages in all of the ethnic/minority communities of the country. Under 20 U.S.C. Sections 1101 and 1103(a)(3), projects are selected to be carried out in schools in areas having a concentration of children from low-income families. Under the Cranston Amendment, 20 U.S.C. Section 1231(c)(2)(A), no requirement imposed by law may be waived or modified unless authorized by law. The creation of the priority suggested by the commenter would impose a condition on the operation of the program inconsistent with the requirements of the Education Professions Development Act.

3. *Schools per project—Comment.* A commenter noted that this year the Teacher Corps had reduced the number of possible interns per project from 10 to 4, and asked if this meant that there was only to be one school per Teacher Corps project.

Response. No change was made. As a result of the national teacher surplus situation and the legislation contained in Pub. L. 93-380, shifting the emphasis of Teacher Corps from preservice to the retraining of experienced teachers, projects will be limited to four interns and will provide extensive retraining for existing teachers in the single school (ex-

cept as otherwise determined by the Commissioner) selected for placement of the intern team. The intent is to bring about the integration of graduate preservice and inservice education.

4. (G) *School-Staff Focus—Comment.* A commenter suggested that the retraining thrust should include school principals as well as teachers.

Response. No change was made. 20 U.S.C. Section 513 provides for the training and retraining of teachers and teacher aides only. The legislation does not permit the training and retraining of school principals.

II. *Demonstration Projects.*

5. (E) *Training for the Systematic Adaption of Research Findings—Comment.* A commenter suggested that Teacher Corps publish a bibliography of typical examples of usable research for those who would like to submit applications and select a demonstration under this section.

Response. No change was made. Teacher Corps does not function as a clearinghouse for educational research and any publication of possible research areas might lead applicants to the belief that those published are priority areas of the program. Applicants desirous of selecting this demonstration thrust have available a variety of resources. The published professional literature, the educational research community in general and the National Institute of Education can all be helpful.

Effective date: Pursuant to Section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232 (d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. 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 Program No. 13.489; Teacher Corps)

Dated: March 31, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: April 23, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

In addition to the criteria set forth in 45 CFR 100a.26(b), the following criteria will also be used as a basis for approving applications for Teacher Corps projects and in determining the amount of the award under approved applications:

(A) *Instructions Program.* The extent to which the proposed instructional program provides:

(i) Training options designed to enable Teacher Corps interns, teacher aides, and experienced teachers to provide individualized classroom instruction;

(ii) Adequate means for evaluating their competencies; and

(iii) Training to prepare these persons to serve in schools in areas having concentrations of low income families.

These low income areas are determined in accordance with Section 103 of Title I of the Elementary and Secondary Act of 1965, as amended. The training will relate to such matters as identifying children with learning and behavioral problems, diagnosing their special needs, and prescribing learning activities to meet those needs.

(20 U.S.C. 1101, 1103)

(B) *Community Based Education.* The extent to which the application sets forth opportunities for involvement of parents of children to be served by the proposed project in decision-making, planning, development, implementation, and evaluation of the project. There must be evidence that this participation has occurred during the development of the application and that provision is made for developing the capabilities of parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses). There must be procedures for adequate dissemination of program plans and evaluation to parents and the public.

(20 U.S.C. 1101, 1103, 1231d)

(C) *Institutional Adoption.* The extent to which the project is designed so that the successful elements of the project can be incorporated into the overall instructional program of the applicant institution or agency.

(20 U.S.C. 1101, 1103)

(D) *Needs Analysis.* Whether the retraining of experienced teachers and teacher aides, and the training of teacher interns, will be based on an analysis of the learning needs of children from low income families.

(20 U.S.C. 1101, 1103)

(E) *Multi-Cultural Consideration.* The extent to which the application supports activities that are responsive to the diverse cultures represented by the proposed project's target populations, and relates to the needs of the communities and students to be served by the Teacher Corps project. In applications for projects in areas where the target population is predominantly from one culture, there must be an indication of the extent to which the project will increase the children's knowledge of their own culture and other cultures as well.

(20 U.S.C. 1101, 1103)

(F) *Diagnostic-Prescriptive Teaching.* The extent to which the application contains provisions for training in

(i) Skills needed to identify special learning problems;

(ii) Skills needed to diagnose particular learning needs; and

(iii) Skills needed to prescribe programs to meet these learning problems and needs.

The application must show how these skills can be applied to all children to be served by the project, and to improve the educational opportunities in the regular classroom for children with learning and behavioral problems. This must be an integral part of the program design for all projects.

(20 U.S.C. 1101, 1103)

(G) *School-Staff Focus.* The extent to which the proposed retraining of experienced teachers and teacher aides will be available to the entire educational staff of each school receiving a Teacher Corps intern team.

(20 U.S.C. 1101, 1103)

(H) *Field Based Instruction.* The extent to which appropriate aspects of the instruction for experienced teachers and teacher aides, teacher interns, or community volunteers, will be carried out in the school served by the project and the local community rather than at the participating college or university.

(20 U.S.C. 1101, 1103)

(I) *Collaborative Decision-Making.* The extent to which the application indicates that a school-community council for each participating school exists or will be developed to respond to the needs and wishes of those directly involved with the project (such as Teacher Corps members, staff, trainees, school administrators, and members of the community) and to those less directly involved (such as teacher unions, State Educational Agencies and other organizations which may influence or be affected by the project).

(20 U.S.C. 1101, 1103)

(J) *Intern Teams.* The extent to which the application sets forth a team organization which will be able to operate effectively in carrying out the purposes of the project. An intern team (except as otherwise determined by the Commissioner) consists of 4 interns led by an experienced teacher who is the team leader. There is one team for each Teacher Corps project.

(20 U.S.C. 1103)

(K) *Local Needs.* The extent to which the project has special characteristics which take account of local conditions (such as population density, housing patterns, etc.).

(20 U.S.C. 1101, 1103)

(L) *Equitable Geographical Distribution.* The extent to which approval of the project would further the equitable geographical distribution of projects, including proportional representation among urban and rural areas.

(20 U.S.C. 1101, 1103)

(M) *Management and Evaluation Plans.* The extent to which plans for program organization, management, and evaluation are set forth. Data collection procedures must be described based on program goals, performance criteria, and regular program review.

(20 U.S.C. 1101, 1103)

II. DEMONSTRATION REQUIREMENTS

Collectively, Teacher Corps projects should represent a coherent effort to demonstrate to all local educational agencies and communities the potential for training and retraining approaches. Therefore, each application for a Teacher Corps project must combine:

(i) The meeting of local educational needs and concerns, with

(ii) A demonstration project for the training of teacher interns and the retraining of experienced teachers and teacher aides that could have wider applicability than the local project.

To achieve this coherence and broader impact, the demonstration project must adopt one of the following broadly defined strategies:

(A) *The Training Complex.* This strategy is designed to provide training and retraining of educational personnel at a site located within or near the schools, and where a school program for children is to be conducted. The institution of higher education and the local educational agency establish the training complex where teacher interns and experienced teachers and teacher aides are to be trained and retrained. This is intended to become a permanent structure for training and retraining educational personnel for the local educational agency. Applications may show wide diversity in the features of a training complex, but they must describe plans for the direct involvement of training personnel from the institution of higher education at the training complex with school officials and the trainees, and a wide use of community and local educational agency resources for the development and delivery of both training and retraining.

(20 U.S.C. 1101, 1103)

(B) *Competency-Based Teacher Education.* This strategy specifies in advance what effective teachers should be able to do when the training is completed. It then measures their achievements by observing their work with children in a school. The training for experienced teachers, teacher interns, teacher aides, and community volunteers is delivered through sequential modules based on increasing their levels of competencies. Applications must describe how the proposed project will:

(i) Objectively define the needed competencies based on analysis of training and retraining needs;

(ii) Develop systematic management processes so that persons in training or retraining can evaluate their own learning needs and achievements;

(iii) Provide alternative modes of instruction to help trainees achieve the needed competencies relating to the improvement of educating students; and

(iv) Direct the use of university and other program resources towards meeting the needs of teacher interns, experienced teachers, teacher aides, and community volunteers within the local educational agencies served by the project.

(20 U.S.C. 1101, 1103)

(C) *Training for Implementing Alternative School Designs.* In local educational agencies where alternative school designs are planned, this strategy may be chosen to demonstrate, through a Teacher Corps project, a program of training teacher interns and retraining experienced teachers and teacher aides for implementing such an innovation. Applications must:

(i) Contain assurances that the local educational agency is already committed to an alternative design and that the institution of higher education involved in the Teacher Corps project will be able to demonstrate appropriate training and retraining activities;

(ii) Limit Teacher Corps resources to training and retraining, and provide evidence that locally controlled resources are committed to supporting other aspects of the project; and

(iii) Demonstrate a viable alternative strategy for improving the education of low income children by improving both the skills of educational personnel and the conditions under which education takes place.

(20 U.S.C. 1101, 1103)

(D) *Interdisciplinary Training Approaches.* This strategy should be chosen by those applicants who wish to demonstrate a training program for teacher interns and the retraining of experienced teachers and teacher aides that involves the participation in teacher education of representatives from various academic disciplines (such as the liberal and fine arts, physical and natural sciences, social sciences, and humanities). The approach selected must be aimed at increasing the educational opportunities of low income children by enriching and reorganizing the base of knowledge and experience for planning and managing learning activities. Applications must emphasize that there has been collaborative planning by representatives of diverse disciplines and that the proposed training and retraining is responsive to the cultural and community values of the families of the children to be served. Applications must also emphasize how and to what extent interrelationships among educational agencies and institutions (such as universities and local educational agencies) and other community institutions are to be improved by their choice of this strategy.

(20 U.S.C. 1101, 1103)

(E) *Training for the Systematic Adaption of Research Findings.* There is presently available, in immediately usable form, a substantial body of research results which has proven effective and is relevant to learning and educational processes for schools serving low income populations. This research represents a vast potential resource which, as yet, has not been organized into systemic or overall program demonstrations. These research findings can be incorporated into the design of Teacher Corps programs for the training of teacher interns and the retraining of experienced teachers and teacher aides by identifying training objectives, selecting approaches to training and evaluation, creating instructional materials and activities or adapting existing materials to new situations. Applications selecting this strategy must:

(i) Identity and describe the validated research findings that will be incorporated into a demonstration program of teacher intern training and the retraining of experienced teachers and teacher aides, and show the relationship of these research findings to the educational problems addressed by the application;

(ii) Indicate a plan for the systematic application of these findings to activities of practicing educational personnel; and

(iii) Show how the proposed program, based on these findings, will have applicability to other local educational agencies, and to educational groups, as a demonstration project.

(20 U.S.C. 1101, 1103)

[FR Doc.76-12474 Filed 4-28-76;8:45 am]

ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Council on Environmental Education will be held on May 14 from 9:00 a.m. to 5:30 p.m. at the U.S. Office of Education, Demonstration Center, Room 1134, Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education Act, P.L. 91-516, Section 3 (84 Stat. 1312), as amended by P.L. 93-278 (88 Stat. 121).

The Council shall:

(A) Advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) Make recommendations to the Office with respect to the allocation of funds appropriated pursuant to Section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) Develop criteria for the review of applications and their disposition; and

(D) Evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

1. Internal Affairs.

2. Presentation by Beatrice Williard, Council on Environmental Quality.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C.

Signed at Washington, D.C. on April 27, 1976.

WALTER J. BOGAN, Jr.,
Director, Office of Environmental Education.

[FR Doc.76-12708 Filed 4-28-76;10:07 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA FLIGHT INFORMATION ADVISORY COMMITTEE (FIAC)

Meeting

Pursuant to Section 10(a)(2) of Public Law 92-463, notice is hereby given that the FAA Flight Information Advisory Committee (FIAC) will hold Meeting No. 1-76 (51st meeting), beginning at 9:30 a.m., e.d.t., May 20, 1976, in Rooms 5 A, B, C, at Federal Aviation Administration Headquarters, 800 Independence Avenue SW., Washington, D.C. The following agenda items are scheduled for this meeting:

1. Approval of minutes of meeting 4-72.
2. Approval of agenda.
3. Status report of Airport/Facility Directory.
4. Limitation of communication frequencies on IAPs.
5. Briefing on IAP—Radar tabulation. (The radar minima format as approved for Alaska Terminal Publications is being incorporated in the lower 48.)
6. Discussion of sample IAP Charts depicting relief on existing charts.
7. Review of NOS proposal to publish IAP in bound volumes.
8. Report on the 56-day cycle—Summation of result of FIAC replies and resultant Order and changes. (Copies available if desired.)
9. Proposal to realign Enroute High Altitude Chart H-2 to better depict SFO Area on a single chart rather than bisecting the High Density SFO Area (as at present).
10. Proposal to realign the Alaskan Enroute High Altitude Chart from two charts to one chart. (This would minimize overlap coverage of Canada and lower U.S. 48 and reduce duplication of U.S. and Canadian data contained in Alaska Supplement, thereby reducing chance for error.)
11. Briefing on proposed actions to realign, reformat, reschedule and rename Pacific Flight Information Publications.
12. Discussion of methods of portraying air ground communication on En Route Low Altitude Charts.
13. Final Report on additional WAC coverage of Mexico and the Caribbean.
14. Status report on new concept of World Aeronautical (VFR Radio Navigation) Chart.
15. Reporting on changed method of depiction of blue and magenta color coding of airports on Sectional Charts. (With this change the letters CT and NFCT could be removed from the chart.)
16. Possibility of indicating on visual charts the capability of pilot controlled airport lighting.
17. Review of proposal to adopt maximum elevation figure (MEF) versus Maximum Terrain Elevation Figure (MTEF).

The meeting will be open to the public. Interested persons are invited to attend and participate by making oral or written statements concerning those topics on the agenda. Written statements should be submitted in duplicate to Mr. Milton L. Wassmann, Jr., Flight Services Division, Air Traffic Service, AAT-420, 800 Independence Avenue, S.W., Washington, D.C. 20591. Persons wishing to make oral statements at the meeting must notify Mr. Wassmann, telephone No. (202) 426-3430, not later than May 12, 1976. Presentations will be scheduled on a first come-first served basis, as time permits.

Issued in Washington, D.C. on April 20, 1976.

CHARLES V. HANNAN,
Chairman, Flight Information Advisory Committee.

[FR Doc.76-12275 Filed 4-28-76;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS; EXECUTIVE COMMITTEE

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Executive Committee, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It will be held May 27, 1976, in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. 20006, commencing at 9:30 a.m. Agenda items include—

1. Approval of Minutes of the March 19, 1976 meeting;
2. Special Committee Activities Report for March-April, 1976;
3. Chairman's Report of RTCA Administration and Activities;
4. Approval of Budget for FY 1977;
5. Review and approval for publication the Report of SC-128 on Airborne Ground Proximity Warning System;
6. Review and approval for publication the Report of SC-129 on Future Civil Aviation Frequency Spectrum Requirements;
7. Report of the ad hoc Nomination Group and selection of new Chairman;
8. Other Business; and
9. Date and place of next meeting.

Meetings of the RTCA Executive Committee are open to the public, subject to space limitations. The public may submit written statements to and obtain additional information from the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Oral statements may be presented at the meeting, subject to time being available.

Issued in Washington on April 21, 1976.

EDGAR A. POST,
Designated Officer.

[FR Doc.76-12276 Filed 4-28-76;8:45 am]

Federal Railroad Administration

WASHINGTON AND MINNESOTA

State Participation Program During Fiscal Year 1976

This is to give notice pursuant to section 212.21 of the State Participation Regulations published by the Federal Railroad Administration (FRA) as Part 212 of Title 49 of the Code of Federal Regulations (40 FR 55508) that the States of Washington and Minnesota are participating in the investigative and surveillance activities prescribed by the Federal Railroad Administrator as necessary for the enforcement of the FRA Railroad Freight Car Safety Standards and the FRA Track Safety Standards respectively.

The Washington Utilities and Transportation Commission has been certified to carry out a safety program with respect to the Safety Inspection required under the Railroad Freight Car Safety Standards (49 CFR 215.23) pursuant to the provisions of the State Participation Regulations (49 CFR 212) during fiscal year 1976, commencing March 22, 1976.

The Minnesota Department of Public Service has entered into an agreement with the Federal Railroad Administrator to authorize the Department of Public Service to carry out a safety program with respect to the Track Safety Standards (49 CFR 213) pursuant to the provisions of the State Participation Regulations (49 CFR 212) during fiscal year 1976, commencing April 1, 1976.

(Secs. 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 USC 421 et seq.), section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)), and section 212.21 of the regulations of the Federal Railroad Administration (49 CFR 212.21))

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

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.76-12435 Filed 4-28-76;8:45 am]

National Highway Traffic Safety Administration

EFFECT OF CATALYTIC CONVERTERS ON MOTOR VEHICLE SAFETY

Notice of Public Meeting

The purpose of this notice is to schedule a public meeting to gather information on the performance of catalytic converters as it relates to motor vehicle safety.

Most automobiles manufactured during model years 1975 and 1976 were equipped with catalytic converters as a means of obtaining compliance with Environmental Protection Agency (EPA)

regulations governing motor vehicle emissions. Catalytic converters are designed to accelerate the combustion of carbon monoxide and hydrocarbons, thereby burning up potentially harmful exhaust pollutants.

With the introduction of the catalytic converter as a commonly-used motor vehicle component, the NHTSA and EPA directed their attention to the performance of the converter from a safety standpoint. The agencies perceived a possible association between motor vehicle fires and the converter's performance in situations where certain vehicle systems are operating improperly. When the agency began receiving letters from car owners describing incidents where converters overheated and in some instances caused fires, it determined that a full review of the situation was in order. Consumer letters have been examined and placed in the appropriate docket and automobile manufacturers have been asked to provide information on the numbers of vehicles they know to have been subject to a converter overheat problem.

In order to assure that full and complete data is gathered on the subject, the NHTSA has decided that a public meeting should be held. Such a meeting will provide a forum for all interested persons to present information and views on the susceptibility of catalytic converters to significant overheating and fires, and, the need, or lack of need, for rulemaking or other action.

The meeting will be chaired by a representative of the NHTSA. A representative of the EPA will be present and participate as a panel member. Interested persons are invited to attend the meeting and make oral or written presentations. Written submissions may be forwarded to the docket (Room 5108, Nassif Building) at any time before or after the meeting. Persons who desire to make a formal presentation at the meeting should contact Robert Helmuth, at (202) 426-2840, before May 14, 1976, so that limitations (if necessary) and the need for special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C., approximately 5 days after the meeting.

The meeting will be held in Room 2230 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. The meeting will be in session from 9:30 a.m. to 5 p.m. on May 26, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on April 23, 1976.

JAMES B. GREGORY,
National Highway Traffic Safety Administrator.

[FR Doc.76-12565 Filed 4-27-76;11:03 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28995; Agreements CAB 12691-A2 and 14799-A18; Order 76-4-130]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreements

Issued under delegated authority April 23, 1976.

Agreements among the members of the Air Traffic Conference of America relating to a reduction in fees for transmission of teletickets to agents.

The Air Traffic Conference of America (ATC) on behalf of its members has filed with the Board, pursuant to section 412 (a) of the Federal Aviation Act of 1958, as amended (the Act), and Subpart P of the Board's Rules of Practice (14 CFR 302.1601-1608), a resolution relating to a reduction in fees for the transmission of teletickets to agents.[1]

The effect of the resolution is to amend ATC Resolutions 20.61 and 5.91 (identified as Agreements CAB 12691 and 14799) by reducing the fee which carriers shall charge agents for teleticket transmissions from $1 to 50 cents per transmission and by reducing, by a like amount, the teleticket fee which agents have agreed to remit to the carriers. These amendments have been identified as Agreements CAB 12691-A2 and 14799-A18, respectively.[2]

In support of the agreements, ATC states that recent enhancements in the automation of teleticketing preparation and transmission to travel agents have significantly reduced the costs of some members, and these savings should be passed along to the agents. ATC believes that reduction of the service charge to 50 cents will encourage broader use of the teleticketing machine and existing fare-quote ticketing systems, thereby reducing ticketing errors, improving the cost and efficiency of agency ticketing, reducing carriers' uncollected revenues, and improving ticketing service to the public.[3]

The American Society of Travel Agents, Inc. (ASTA), has filed comments urging approval of the proposal on an interim basis pending a Board review of teleticketing costs. In the interim, ASTA believes that ATC must be required to justify why the 50-cent level should be maintained and why transmission costs should be imposed at all.

Upon consideration of the foregoing, it has been decided to approve Agreements CAB 12691-A2 and CAB 14799-A18. In reaching these conclusions it is noted that the proposal now before the Board was adopted by the ATC carriers in an effort to resolve what those same carriers see developing as an undesirable and confusing situation insofar as teleticketing fees are concerned. Thus, the ATC carriers have apparently acknowledged that the costs to certain members of transmitting teletickets have decreased substantially from the $1 fee currently charged the agents for each transmission and, in an effort to maintain uniformity with respect to those charges, have agreed that a lower specific fee should be established. On balance, we believe the carriers' proposal for a uniform fee is for the present the best approach for dealing with the question. In this regard, the adoption of a new fee level of 50 cents appears to be in accord with prior orders on this matter to the extent that in such orders the Board acknowledged the need for some downward flexibility in establishing fees between carriers and agents, as costs to the carriers decreased.

As to ASTA's request for interim approval of the agreements pending an evaluation of the new fee levels, we do not believe this proposal would serve any useful purpose. It appears from the record that the carriers are still sustaining teleticketing costs and, in light of the fact that there has been unanimous adoption of the new fee level, the disparity between various carrier costs would not appear to be so great as to warrant any further investigation into the specific costs to each carrier.[4]

[1] By order E-17233, dated July 27, 1961, as amended by order E-17514, Sept. 28, 1961, the Board approved, *inter alia*, Agreements CAB 12691-A1 (currently designated Fee for Transmission of Tickets to Agents—ATC Resolution 20.61) and CAB 14799 (Teletype Ticketing Agreement Agents—ATC Resolution 5.91). The former provided that agents utilizing teletype ticketing services shall be assessed and required to pay a fee of not less than $1 for each ticket so transmitted. The latter established, *inter alia*, an agreement to be entered into between the individual carrier and agent for teletype ticketing services, specifying that the agent will remit a fee of $1 to the carrier for each ticket transmitted.

[2] Also pursuant to Agreement CAB 12691-A2 that $1 transmission fee assessed agents under ATC Resolution 5.93, dealing with the transmission of data in conjunction with the use of mechanically issued tickets other than teletype tickets, will remain in effect.

[3] ATC has urged prompt action on the proposal, stating that some ATC members have withdrawn from ATC Resolution 20.61 effective April 28, 1976, and that the instant agreements would alleviate the need for such withdrawal.

[4] As in the case of order E-17233 establishing $1 as the maximum service charge for the transmission of teletype tickets to agents, we shall condition our approval herein to limit the service charge to 50 cents per ticket. Furthermore, in accord with earlier decisions on this matter, our action herein is not intended to prohibit individual carriers from charging a service fee of less than 50 cents per ticket if the transmission costs decline below that level.

Concerning ASTA's suggestion that the carriers rejustify the imposing of teleticket preparation and transmission costs on agents, we find this proposal lacking merit in that the principles expressed in order E–17233 on this point apparently continue to be applicable. In that order the Board indicated that the cost burdens of the carriers in the form of salary, equipment, and facilities necessary for teleticketing operations are assumed in the performance of a service which lightens the burden of the agents in preparing tickets. In sum, it appears that the agreements should prove advantageous to the agents, in that teleticketing costs will be reduced, and the utilization of teleticketing services with their inherent efficiencies should become more appealing and productive to the agents.

Therefore, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that Agreements CAB 12691–A2 and CAB 14799–A18 are not adverse to the public interest or in violation of the Act and should be approved. In addition it is found that the request of ASTA should be denied.[5]

Accordingly, it is ordered that:

1. Agreements CAB 12691–A2 and CAB 14799–A18 be and they hereby are approved, *Provided,* That the service charge for the transmission of teletype tickets to agents shall not exceed 50 cents per ticket; *And provided further,* That as used herein "ticket" shall mean all documents pertaining to a passenger's complete itinerary which are necessary to transport a passenger from point of origin to final destination;

2. The request of ASTA in docket 28995 be and it hereby is denied; and

3. This order will be served upon ATC and its member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, and the U.S. Department of Justice.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective immediately, and the filing of such petitions shall not stay its effectiveness.

This order shall be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Acting Secretary.

[5] It is found, pursuant to section 385.6 of the Board's Regulations, that the action taken herein is governed by prior Board precedent and policy and, because certain ATC members have withdrawn from ATC Resolution 20.61 effective Apr. 28, 1976, immediate action on the agreements is required. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

[FR Doc.76–12481 Filed 4–28–76;8:45 am]

[Docket No. 27840]

FRONTIER AIRLINES, INC., EASTERN MONTANA-NORTH DAKOTA SERVICE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 13, 1976, at 9:30 a.m. (local time), in the Federal Courtroom, Billings, Montana, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 29, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 23, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76–12480 Filed 4–28–76;8:45 am]

[Docket No. 27592, Agreement C.A.B. 25159, [R–1 through R–9; Order 76–4–135]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of April 1976.

Order 75–8–74, August 14, 1975, described the principal elements of Agreement C.A.B. 25159 adopted by the carrier members of the International Air Transport Association (IATA), and directed the U.S. carrier members of IATA to submit statements of position and justification regarding the various provisions of the agreement; the order also invited comments from interested persons.

BACKGROUND

The agreement proposes a new system for specifying international fares and rates based on the International Monetary Fund's Special Drawing Right (SDR), in place of the present system of specification in United States dollars and United Kingdom pounds sterling. Currently, international fares and rates over the Atlantic and Pacific and within the Western Hemisphere are specified in dollars, while fares and rates in other world areas are specified in pounds. Conversion into other currencies for local publication and sales now takes place at exchange rates set forth in Resolution 021b, which reflect the parity of each currency vis-a-vis the dollar or the pound prior to the second devaluation of the dollar on February 13, 1973, subject to varying currency-related surcharges and discounts to account for the further reduced value of the dollar and the pound versus the increased value of other currencies. For example, the surcharge on U.S.-originating transatlantic travel is six percent, while fares from various strong-currency European countries are subject to discounts ranging from two to 26 percent.

Under the proposed system, the present specified dollar and pound fares and rates would be converted to SDR's at respective rates of SDR 0.92105=U.S. $1.00 and SDR 2.40=U.K. £1.00, which represent the SDR parities in January 1972 after the first U.S. dollar devaluation. The new SDR fare would then be converted to an IATA Unit of Value (IUV) by applying a Tariff Level Factor (TLF) reflecting existing currency-related surcharges, in order to produce a local selling price closely approximating present fares. Finally, the IUV fare would be converted to local selling fares and rates using the current SDR rate for each local currency.[1]

After implementation of the IUV system, a local currency fare would be subject to further adjustment if the relationship between that currency and the SDR changed from the parity at date of implementation by more than a specified amount for a period of 15 consecutive business days. In the case of depreciating currencies, which would require a fare increase, the triggering deviation from the previous relationship would be 2½ percent; while in the case of an appreciating currency, which would require a fare decrease, the deviation would be 5 percent. Implementation of the new SDR conversion rate for national currency fares would be subject to unanimous agreement by all members serving the country involved, and the carriers would also have the option of further adjusting fares by revising the Tariff Level Factor.

The agreement before us would initiate the process of converting to an SDR system, while actual implementation is not contemplated until April 1, 1977. In Order 75–8–74, the Board stated that, in the event it approved the proposal in whole or in part, any action under the scheme which would alter actual selling fares to/from the United States would be subject to Board approval under section 412 of the Act prior to implementation. We also expressed certain specific reservations with various aspects of the proposal.

First, we questioned whether or not the provisions for a semiautomatic adjustment of local selling fares in response to currency fluctuations would be in the public interest. Generally, when a currency depreciates it is reasonable to conclude that some upward adjustment in fares quoted in that currency is neces-

[1] The following example summarizes the process in the case of a one-way New York-London normal economy fare (winter):
Present specified fare: $275 x 1.06 currency surcharge=$292 selling fare.
Proposed SDR fare: $275 x 0.92105=SDR 253.28, SDR 253.28 x 0.93 TLF=IUV 235.55.
SDR 1.00: $1.24779 at April 1, 1975.
Proposed selling fare: IUV 235.55 x 1.24779=$294.

sary to compensate for the increased expenses incurred in that currency. Increases in U.S. dollar fares to account for depreciation in the dollar generally involve some over-compensation to U.S. carriers, while foreign flag carriers operating to/from the United States are not fully compensated for the decline in the dollar's value vis-a-vis their own currencies. The surcharges adopted by IATA and approved by the Board in the past reflect a compromise among the various revenue/expense relationships of U.S. and foreign carriers in each market, and have been evaluated by the Board in this context. Our examination of the agreement before us indicated that an increase in dollar fares might exceed the amount necessary to compensate both U.S. and foreign carriers for their devaluation-related increased costs.[2]

Second, while the agreement makes provision for fare and rate decreases as well as increases in response to changing SDR parities, an increase would require a currency to depreciate only 2½ percent versus the SDR while a decrease would require a currency to appreciate a full five percent against the SDR. Due to the weighting effect of the SDR basket, most currencies would require a very large appreciation vis-a-vis other individual currencies to achieve the stipulated five-percent increase in their SDR value. It also appears that increases in fares in one direction due to a depreciation in the currency of the country of origin would not be matched by a corresponding reduction in fares in the opposite direction.[3]

Third, to the extent upward or downward adjustments take place as contemplated by the resolutions, it is not clear whether or not the carriers have focused on the potential instability in the market place stemming from a system where fares or rates could change every month, particularly the problem of repeated tariff filings and a continuing need to educate the selling force. The Board would find considerable difficulty with a system wherein fares and rates fluctuate frequently, and thus add further complexity and confusion to the IATA structure.

A fourth potential problem is the effect which currency fluctuations in one world area may have on fares and rates in other areas. For example, the only currencies of Western Hemisphere countries which are in the 16-currency SDR basket are those of the U.S. and Canada. Several other currencies in this area are closely aligned with the U.S. dollar, yet a depreciation of the dollar versus the SDR would have the effect of increasing fares within the Western Hemisphere although the carriers' costs in dollars and dollar-related currencies would not change. Similarly, the agreement would increase fares between the United States and Japan in cases where either the dollar or the yen (or both) depreciated against the SDR, although the relationship between these two currencies has been reasonably stable in recent months. It also appears that the present relationship between U.S./Europe and Canada/Europe fares would be disturbed.

COMMENTS—U.S. CARRIERS

Seven U.S. carriers have submitted justification or comments. Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), Eastern Air Lines, Inc. (Eastern), and Braniff Airways, Inc. (Braniff) have filed in support of the agreement, while Delta Air Lines, Inc. (Delta), United Air Lines, Inc. (United) and Northwest Airlines, Inc. (Northwest) are opposed.[4]

The proponents generally contend that the present system of fare specification and construction has become unworkable ("an almost unintelligible mess" in Braniff's phrase) and must be replaced with a more rational approach. The SDR, a stable and recognized international unit, would allegedly provide the needed facility to bring order to complicated transactions, as well as to the whole IATA fare negotiation process. TWA cites the additional benefit of simplifying interline settlements, and Pan American states that its reservations on the agreement concern the administrative provisions which are not yet fully developed. The Western Hemisphere carriers (Eastern and Braniff) state that currency-related problems in fare calculations and sales are not nearly so bad as is the case with transatlantic and transpacific transportation, but that disputes nevertheless arise over the proper conversion rates for a Prepaid Ticket Advice (PTA), charges for collect shipments, and C.O.D.'s. Because the new system is not so necessary in IATA Traffic Conference 1 (the Western Hemisphere), where currency relationships are relatively stable, they have made provision for special consideration in this area so that currency fluctuations elsewhere will not automatically impact on TC1 fares and rates. The proponents also assert that, while more work is required on the details before the proposal can be implemented, the agreement is a necessary first step toward resolving the problems inherent in the existing system.

The U.S. carrier opponents generally allege that the present system is working reasonably well and without undue hardship upon carriers, agents or the public; that the proposed scheme would be too complex and unwieldy to be practically effective, and would merely replace the present artificial conversion factors with another equally artificial system; that implementation of the proposal would necessitate costly retraining of personnel to handle its complexities; and that semi-automatic fare adjustments would detract from the stability which published tariffs are meant to provide, and would be disruptive to advance marketing by carriers and planning by passengers. Northwest, a non-IATA carrier, raises the possibility that fluctuations between the U.S. dollar and European currencies alone could affect U.S./Far East fares; Delta makes the same point regarding Western Hemisphere fares and, additionally, contends that the fare adjustment process would be a one-way street of increases without corresponding decreases.

COMMENTS—FOREIGN CARRIERS

A consolidated statement of position in support of the agreement has been submitted by IATA on behalf of Aer Lingus Teoranta (Aer Lingus), Aerolineas Argentinas (Aerolineas), Compagnie Nationale Air France (Air France), Alitalia-Linee Aeree Italiane—S.p.A. (Alitalia), British Airways (British Airways), Lineas Aereas de Espana, S.A. (Iberia), Iran National Airlines Corporation (Iran Air), Japan Air Lines Company, Ltd. (Japan Air Lines), K.L.M. Royal Dutch Airlines (KLM), Qantas Airways Limited (Qantas), Societe Anonyme Belge d' Exploitation de la Navigation (Sabena) and Scandinavian Airlines System (SAS). Deutsche Lufthansa Aktiengesellschaft (Lufthansa) and Swiss Air Transport Company Limited (Swissair) have filed individual comments in support of the agreement. These foreign carriers generally assert that the present system of surcharges and discounts was designed only as a temporary measure to meet the exigencies surrounding the U.S. dollar devaluation of February 13, 1973 and that, because of the implementation of floating exchange rates, it was impossible to establish reasonable adjustments to IATA Resolution 021b parities with any measure of stability; that the present system has produced marked directional fare differentials and complicated rules covering sales outside the country of transportation origination and in other currencies, which are difficult to apply and have become unenforceable; that these difficulties have been aggravated by the continuation of floating exchange rates; and that continuing a fare specification system based on one or two national currencies with unstable values is impossible, since the industry would drift into an uncoordinated situation where carriers negotiated fares only in their own

[2] For example, U.S.-Europe fares were increased six percent following the February 1973 dollar devaluation reflecting, as stated above, a compromise among the different revenue/expense relationships of U.S. and foreign carriers. But a similar devaluation of about 10 percent under the proposal would result in increases in U.S.-Europe fares averaging over eight percent.

[3] For example, a 10 percent depreciation in the dollar would have the effect of raising U.S.-Europe fares by more than eight percent as noted above, but fares from major European countries would not decrease since the appreciation of their respective currencies against the SDR would average only about 3.3 percent, less than that required for an adjustment. Conversely, a 10 percent depreciation of the U.K. pound versus the dollar would result in an increase in London-New York fares of over 10 percent, but New York-London fares would remain at status quo.

[4] The Flying Tiger Line Inc. stated that it does not intend to file any comments.

currencies, bringing an end to the worldwide tariff structure as we know it. Faced with the necessity of establishing an international unit of value for fare specification, the carriers selected the SDR as the most stable and widely accepted measure of value, which includes both strong and weak currencies and is accepted by U.S. international monetary policy as a reference point.[5]

The carriers state, by way of clarification, that under the proposed scheme the new SDR conversion rates would not be subject to carrier vote in traffic conferences, but that the date of their implementation for national currency fares would be; and that the power of local carrier groups serving a particular country to alter TLF's would be strictly limited. The carriers allege that the proposal would be no more complicated than the existing system, but would permit the basic SDR fares to be converted into local currency selling fares at recognizable exchange rates, without added complexities such as the present use of banker's buying rates; and that while individual currency changes vis-a-vis the SDR would require an orderly procedure for early adjustment of selling fares, the mechanism for basic fare adjustments would nevertheless not circumvent government authorities.

It is further contended that a true balance of revenue/expense relationships for the purpose of determining currency-related fare adjustments can be made only at the time of traffic conferences, and that a facility for interim adjustments must be established; that the Board's example of what would happen in the event of a 10 percent U.S. dollar devaluation is unrealistic since, in the present regime of floating exchange rates, the dollar would depreciate gradually over a period of time; and that although the Board may wish to consider for approval any change in U.S. dollar selling fares, it is unrealistic to compartmentalize the consideration of such fare adjustments by relating them to specific routes and currencies rather than considering the overall change in the dollar's value against the SDR. Regarding the Board's concern that U.S./European currency fluctuations could, through the SDR/IUV process, cause unwarranted fare adjustments in Western Hemisphere and transpacific fares, the carriers state that selling fares in these areas could be maintained at status quo by traffic conference action. The carriers note the Board's concern with the apparent disparity between the 2½ percent tolerance for fare increases compared with 5 percent for decreases, but support the difference on the basis that while a depreciation in a single currency affects sales in surrounding countries for which protection must be provided, the immediate effects of an appreciation are felt only in the country concerned, thereby lessening the need for an adjustment.

Concerning implementation, the carriers assert that an identifiable unit with recognizable exchange rates will be easier to apply for construction purposes than the present system; that tariff filings under the proposal will be no more complex than at present; and that long-range planning and marketing because of currency-related fare changes is difficult under the present system, whereas fare changes will be made on a more rational basis under the proposal.

COMMENTS—OTHERS

The Embassy of Switzerland states that the Swiss authorities support and endorse the comments of Swissair. Comments opposing the agreement have been submitted by the Office of Consumer Affairs of the Department of Health, Education and Welfare (HEW); the International Airfreight Agents Association (IAAA); Kurdian Travel Agency, Inc. and Kurdian International Transport, Inc. (Kurdian); and by ABC Travel Guides Ltd. (ABC). HEW alleges that the agreement is highly prejudicial against fare decreases due to the different tolerances for appreciating and depreciating currencies, cites Delta's concern with the potential effects on Caribbean fares, and generally asserts that the proposal is no improvement over the existing system. IAAA submits that the primary burden of implementing the new system for cargo would fall on cargo agents and that the potential rate changes between the times of solicitation and sale and actual shipment would make comparative rate analyses and planning extremely difficult; that the possibilities of error would be increased; that customs declarations, which include freight costs, could not be prepared in advance; that ambiguities would arise in carrier/agent settlements; and that it is unclear how collect shipments would be handled. Kurdian opposes the agreement as injurious to the best interests of the general public as well as travel and cargo agents; and ABC describes the proposal as too complex and favors a single unit of value for fares converted to local selling currency based solely on SDR parities.

FINDINGS

Upon full consideration of the agreement, the comments in favor of and in opposition to the proposal, and all other relevant factors, the Board has concluded to approve the agreement subject to the conditions and exceptions outlined below. As indicated in Order 75–8–74, the Board supports the IATA carriers' efforts to devise a new system which would place multilateral fare specification and currency-related fare adjustments on a more rational basis, with a credible reference point. The Board agrees that the existing system is becoming unmanageable and, in this connection, notes that "currency-related" surcharges and discounts are sometimes adopted for unrelated purposes; that governments are unilaterally ordering revisions in the surcharges or discounts applicable from their respective countries; and that the Board itself has had to impose conditions on IATA currency conversion resolutions to protect the public.[6] However, as stated above and in Order 75–8–74, the Board is seriously concerned with the effect of the instant agreement on the public.

Our primary concern is that, under the adjustment provisions of the agreement, fare and rate increases resulting from changes in the U.S. dollar's SDR parity could well exceed the amount necessary to compensate the U.S. and foreign flag carriers for the increased directly attributable to the dollar's depreciation. The Board will, therefore, require that any action under the agreement which would result in changs in selling fare/rates in air transportation to/from U.S. points be approved prior to implementation. Actual experience with the new system may allow some modification of this requirement, but for the present it is necessary in order to retain oversight over any change in fares or rates to/from U.S. points. Past currency-related fare/rate increases have been evaluated by the Board according to the well-established criteria that such increases should reflect a balance among the various revenue/expense relationships of the U.S. and foreign carriers in the affected market.[7] IATA objects to "compartmentalizing" the consideration of such fare adjustments according to the effects in specific markets, and prefers reliance solely on the SDR parity of each currency. However, IATA also concedes the necessity of separating Western Hemisphere and transpacific fares from the effects of a revised U.S.-dollar/SDR parity resulting from U.S./European currency fluctuations; and we note that Braniff and Eastern, while supporting the agreement, nevertheless make clear their insistence on separate treatment for the Western Hemisphere. The same factors which require separate consideration of Western Hemisphere and transpacific fares apply equally to other areas, and the carriers are here put on notice that any agreement to increase fares or rates to/from U.S. points as a result of a change in SDR parities must be justified by the

[5] Several alternatives were studied and rejected, including the existing fare calculation unit (FCU), which is merely the 1972 U.S. dollar; the present U.S. dollar; the Poincare gold franc; or continuing the present system.

[6] See Orders 75–6–46, June 10, 1975, and 74–4–145, April 26, 1974.

[7] In this light, there are two sets of conditions which may warrant a fare increase resulting from dollar depreciation. The first is U.S. carrier operations abroad which earn less revenues in the local foreign currency than the expenses incurred in that currency. In that event, dollars must be exported to defray the overage of expenses and more of the lower-valued dollars are required to maintain status quo. The second set of conditions pertains to the revenue/expense relationship of foreign-flag carrier operations conducted in the United States. If the revenue earned in devalued dollars in the United States exceeds dollar expenses, the value of the excess is reduced when the funds are remitted.

U.S. and foreign carriers according to the revenue/expense criteria set forth above in the general market area in which increases are sought. Where a straight-forward operation of the subject agreement's fare-adjustment procedures would result in increases inconsistent with these criteria we would, of course, expect the carriers to modify the adjustment through the TLF process or other means which might be included in a final SDR agreement.[8]

We are not convinced by IATA's arguments in support of the proposed difference in tolerances for depreciating versus appreciating currencies. It is true, as alleged, that the pressures for a fare increase in the case of a depreciation are greater than are the pressures for a decrease in the case of an appreciation. This concern with protecting revenues and competitive relationships, however, reflects only the air-line point of view, and ignores the public's interest and whether an increase or decrease is, in fact, warranted by currency fluctuations. Accordingly, that portion of the agreement setting forth a differing tolerance for adjustments in the case of appreciation shall be disapproved.[9]

There remains a question as to whether the proposed scheme offers any real improvement by way of stability or simplification. Stability depends ultimately on the nature of currency fluctuations themselves and, to the extent that it is also affected by IATA adjustment procedures, the Board's requirement that we approve any fare changes prior to implementation will insure that a proper balance is struck between the need for stability and the need for selling fares which are realistic in terms of changing currency values. Regarding simplification, the Board is not convinced that the proposal would be any less complex, at least in the beginning, than the present system. We do believe, however, that it would provide a good starting point for future simplification. Several of the carriers and other parties have commented that the proposal is incomplete and requires further work before it can be implemented. We note that IATA intends to consider the SDR scheme further during the autumn, and believe the carriers must now consider details of implementation such as tariff publication, rates to be shown on tickets and airwaybills, proportional fares, handling of PTA's, collect shipments, C.O.D. shipments and the like. The Board will expect any future agreement to address these details so that all concerned will know exactly how the system is to be implemented in actual practice.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25159 as indicated, are adverse to public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
25159:			
R-1	001aa	Special Effectiveness Resolution (New)	1; 2; 3.
R-2	013	Definition of SDR for IATA Basic Fares and Rates Purposes (New)	1; 2; 3.
R-3	013a	Establishing Basic SDR Passenger Fares and Related Charges (New)	1; 2; 3.
R-4	013b	Establishing Specified Cargo Rates and Charges Expressed in Special Drawing Rights (SDRs) (New).	1; 2; 3.
R-5	013c	Special Rules Relating to the Publication and Sale of Air Transportation in Brazil (New).	1; 2; 3.
R-6	030a	Conversion Rates and Tariff Level Factors (New)	1; 2; 3.
R-7	030b	Rules for Converting Basic Fares, Excess Baggage Rates and Related Charges into Currencies (New).	1; 2; 3.
R-8	031a	Conversion Rules for Publication—Cargo (New)	1; 2; 3.
R-9	033	Conversion Rates and Tariff level Factor Administrative Provisions (New) (Except subparagraph (2)(a)).	1; 2; 3.

2. It is found that the following resolution, incorporated in Agreement C.A.B. 25159 as indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25159:			
R-9	033	Conversion Rates and Tariff Level Factor Administrative Provisions (New) (Subparagraph (2)(a)).	1;2;3.

Accordingly, it is ordered that:

1. Those portions of Agreement C.A.B. 25159 set forth in finding paragraph 1 above be and hereby are approved, provided that any action under provisions of the agreement which would have the effect of altering U.S. dollar selling fares, rates or charges to or from any United States points, shall be filed with the Board under the provisions of Section 412 of the Act, and approved by the Board prior to implementation; and

2. That portion of Agreement C.A.B. 25159 set forth in finding paragraph 2 above be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-12482 Filed 4-28-76;8:45 am]

[8] While IATA contends that the Board's example of a 10 percent dollar devaluation is unrealistic in light of the continuation of floating exchange rates, the example nevertheless illustrates the cumulative effect of several depreciation exceeding the 2½ percent tolerance which total 10 percent, and would result in a fare adjustment at each step.

[9] The carriers may also wish to reconsider the 2½ percent tolerance for depreciating currencies. A margin of 2½ percent appears to be much too small considering the current range of foreign exchange movements, particularly in view of recent fluctuations in some European currencies and the uncertain status of the European joint currency float (the so called "snake"). In any event, we see no reason for any difference in the tolerances for depreciating and appreciating currencies. Certain other provisions of the agreement, which appear to militate against fare decreases, should also be modified. For example, paragraph (3) of Resolution 033 provides that TLF's less than 1.00 may be revised only upwards when a currency's SDR conversion rate changes, thus eliminating the possibility of a fare decrease due to an appreciation while, on the other hand, a fare increase due to depreciation would be difficult to soften through a TLF adjustment.

COMMISSION ON CIVIL RIGHTS

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) to this Commission will convene at 7:30 pm. and end at 11:00 pm. on May 26, 1976, at the University of Maine, Augusta, President Jewett's Office, Augusta, Maine.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office, of the Commission, 26 Federal Plaza, Room 1639, New York, New York.

The purpose of this meeting is to discuss Franco American and banking projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 26,

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-12506 Filed 4-28-76;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Ohio Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 12:30 pm. on May 24, 1976, at the Commodore Perry Motel Inn, Jefferson and Superior Street, Toledo, Ohio.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to disseminate the Ohio Prison Report and discuss it with community groups and individuals who have been invited to attend. This is the second in a series of followup meetings planned by the Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 26, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-12507 Filed 4-28-76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on May 24, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss current SAC projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 26, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-12508 Filed 2-28-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 530-3; OPP-50119]

ABBOTT LABORATORIES

Issuance of Experimental Use Permit

Pursuant ot section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Abbott Laboratories, North Chicago, Illinois 60064. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 275-EUP-13) allows the use of 60 pounds A.I. of a plant regulator which is a mixture of N-[phenylmethyl]-1H-purin-6-amine and gibberellic acid on apples. A total of 804 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, and Wisconsin. The experimental use permit is effective from April 1, 1976, to March 1, 1977. It is understood that any crops treated under this permit will be destroyed or used for research purposes only, until issuance of temporary tolerances, now pending, for residues of the active ingredient.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 21, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76-12388 Filed 4-28-76;8:45 am]

[FRL 530-5; OPP-50118]

MOBAY CHEMICAL CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobay Chemical Corporation, Kansas City, Missouri 64120. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 3125-EUP-132) allows the use of 99,612 pounds A.I. of an insecticide which is a mixture of xylene and *O*-ethyl *O*-[4-(methylthio)phenyl] *S*-propyl phosphorodithioate on cotton to evaluate control of the tobacco budworm (*Heliothis virescens*) and the cotton bollworm (*Heliothis zea*). A total of 20,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas. The experimental use permit is effective from March 31, 1976, to March 31, 1977. Temporary tolerances for residues of the active ingredient in or on cottonseed and in eggs, milk, meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep have been established. A food additive tolerance for residues of the active ingredient in cottonseed hulls and cottonseed oil has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: April 21, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76-12389 Filed 4-28-76;8:45 am]

[FRL 530-4; OPP 50117]

PFIZER INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Pfizer Inc., New York, New York 10017. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1007-EUP-9) allows the use of 255 pounds A.I. of the fungicide oxytetracycline on pears for control of pear fire blight. A total of 300 acres is involved; the program is authorized only in the State of California. The experimental use permit is effective from March 26, 1976, to March 26, 1977. A permanent tolerance for residues of the active ingredient in or on pears has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 21, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76-12390 Filed 4-28-76;8:45 am]

[FRL 530-1; OPP-33000/398]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) pub-

lished 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 FIFA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and 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, D.C. 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, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 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 28, 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 June 1, 1976.

Dated: April 19, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OOP-33000/398)

EPA Reg. No. 677-166. Agricultural Chemicals Div., Diamond Shamrock Corp., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK DACTHAL W-75 HERBICIDE (75% WETTABLE POWDER). Active Ingredients: Dimethyl tetrachloroterephthalate 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM23

EPA Reg. No. 241-175. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. CYGON SYSTEMIC 25 INSECTICIDE. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM16

EPA Reg. No. 1730-42. Cyanamid Research, Consumer Products Div., American Cyanamid Co., Berdan Ave., Wayne NJ 07470. LEMON SOL CONCENTRATED CLEANER DISINFECTANT. Active Ingredients: Ethyl alcohol 2.8%; n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 1.75%; n-Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) dimethyl ethylbenzyl ammonium chlorides 1.75%; d-limonene 3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1457-AR. Fine Organics, Inc., 205 Main St., Lodi NJ 07644. MYTAB. Active Ingredients: Tetradecyl trimethyl ammonium bromide 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35284-E. Leisur-Aid, PO Box 7348, Omaha NE 68107. LEISURE-AID ALGAECIDE CONCENTRATE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) - ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 1839-AI. Onyx Chemical Co., 190 Warren St., Jersey City NJ 07302. BTC-E-8358. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 80%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1839-TE. Onyx Chemical Co., 190 Warren St., Jersey City NJ 07302. BTC-40. Active ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 40%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11525-GE. Peterson/Puritan Inc., Hegeler Lane, Danville IL 61832. P/P INSECTICIDE NO. 8 PROFESSIONAL STRENGTH. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17.

EPA File Symbol 35137-L. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. PYRETHRIN ULV MOSQUITO ADULTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl butoxide, technical 25%; Petroleum distillate 20%; Mineral oil 50%. Method of Suport: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 7594-O. Sanitary Products Corp., 88 Farwell St., West Haven CT 06516. CD1. 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. PM32

[FR Doc.76-12391 Filed 4-28-76;8:45 am]

[FRL 530-6; OPP-00026]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE; WORKING GROUP ON ENFORCEMENT

Meeting

Pursuant to P. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Enforcement will be held on May 17 and 18, 1976, at the Bourbon Orleans Ramada, New Orleans, Louisiana.

This is the third meeting of the Working Group on Enforcement under SFF-IAC auspices. The meeting will be concerned with the following issues: Federal-State cooperation and State enforcement grants; application of registered pesticides against unnamed target pests; preventive pest control treatments; enforcement policy vis-a-vis commercial applicators; assessment of civil penalties against pesticide applicators; aerial application of registered pesticides; and other enforcement matters which may arise.

This meeting is open to the public. For further details, and for copies of relevant materials to be made available in advance of the meeting, please contact P. H. Gray, Jr., Executive Secretary, State-Federal FIFRA Implementation Advisory Committee, Office of Pesticide Programs,

Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–7014.

Dated: April 23, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–12392 Filed 4–28–76;8:45 am]

[FRL 530–8]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on May 18, 1976. The meeting will begin at 9:00 a.m. in Room 1101, Waterside Mall West Tower, 401 M Street, SW, Washington, DC.

The agenda includes reports on the activities of member committees, including recomendations for future activities of the Board by chairmen of committees being discontinued; a report on the progress of the ad hoc study group on nitrosamines; consideration of Agency approaches to funding extramural research and development; plans to critically review certain activities of the Office of Toxic Substances; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755–0263, no later than May 14, 1976.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

APRIL 26, 1976.

[FR Doc.76–12533 Filed 4–28–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–360]

POLITICAL SPOT ANNOUNCEMENTS ON RADIO

Statement of Policy

APRIL 26, 1976.

The Commission has often stated its concern with excessive commercialization in broadcasting, believing it to be inimical to the public interest. Since the 1946 Report, Public Service Responsibility of Broadcast Licensees, we have required broadcasters to specify their policies with respect to the amount of program time devoted to commercial matter. We have not imposed fixed commercial limits, but in 1970 we expressed approval of a radio station policy which provided for a normal commercial ceiling of 18 minutes in each hour, with specified exceptions permitting up to 20 minutes in each hour during no more than ten percent of the station's total weekly hours of operation, and a further exception permitting up to 22 minutes where the excess over 20 minutes is purely political advertising. Letter to Station WXCL, Peoria, Illinois, dated February 13, 1970.

Many licensees adopted that policy though the Commission has said approval of its does not foreclose the right of each broadcaster to make a different judgment on any reasonable basis in light of its particular situation. We recognize that special circumstances (stations located in seasonal market areas, for example) may warrant adoption of different commercial policies. The Commission, therefore, has always considered the subject of commercial activity on a case-by-case basis.

It appears, however, that many radio broadcasters have experienced difficulty remaining within the limits of their commercial policies during recent election campaigns because of political advertising. At least two major factors contribute to this. First, the reasonable access, equal time, and lowest-unit-charge provisions of the Communications Act [1] encourage more use of broadcast advertising. Second, in many races there are a large number of candidates seeking broadcast time.

As a result, we have received numerous requests for temporary waiver of commercial policies during campaign periods. The number of such requests could be reduced by better forecasting of political advertising demands and by taking appropriate steps early,[2] but they would not be eliminated. We therefore think we should revise our policy with respect to political advertising.

Henceforth, we will raise no question as to the amount of political spot advertising a radio station broadcasts if the excess over its normal commercial limits [3] (a) is purely political advertising, (b) amounts to no more than 4 minutes per hour, and (c) occurs in no more than 10 percent of the station's hours of operation during those preelection periods when lowest-unit-charges are mandated for broadcast political advertising.[4]

[1] 47 U.S.C. § 312(a), and 47 U.S.C. § 315(a), and 47 U.S.C. § 315(b)(1), respectively.

[2] We suggest that broadcasters confer with potential political advertisers early in each campaign, to advise them of their rights under the Communications Act and of station policies on political advertising, and to get information about anticipated requests for time. Such early consultation can minimize unexpected last-minute demands for time, permitting the scheduling of political and nonpolitical advertising to avoid commercial excesses.

[3] The normal commercial limits are those proposed by a licensee that apply without regard to political advertising. For policies based on the WXCL letter, for example, the normal commercial limits are 18 minutes, but up to 20 minutes in no more than 10 percent of a station's weekly hours of operation.

[4] The lowest-unit-charge periods are the 45 days preceding the date of a primary or primary runoff election and the 60 days preceding the date of a general or special election. 47 U.S.C. § 315(b)(1).

Licensees and others having questions about political broadcasting should direct them to the Broadcast Bureau's Fairness/Political Broadcasting Branch. Many questions can be answered by referring to the following Commission Public Notices:

Use of Broadcast Facilities by Candidates for Public Office, 24 FCC 2d 832, 35 FR 13048, 19 RR 2d 1913 (1970).

Use of Broadcast and Cablecast Facilities by Candidates for Public Office, 34 FCC 2d 510, 37 FR 5796, 23 RR 2d 1901 (1972).

Thus, the present so-called "WXCL policy" described above would be modified in two ways. First, the allowable number of "purely political" excess minutes in an hour would increase to four minutes, as compared, for example, with the two-minute excess now observed by a station operating at the WXCL limits of 18/20/22. Second, the number of hours in which this excess could occur would increase. The maximum would no longer be the WXCL standard of 10 percent of the broadcast hours in any week, but 10 percent of the broadcast hours in the applicable lowest-unit-charge period (Note 4, above).[5]

Licensee Responsibility under Amendments to the Communications Act Made by the Federal Election Campaign Act of 1971, 47 FCC 2d 516, 39 FR 20723, 30 RR 2d 567 (1974).

The Federal Election Campaign Act Amendments of 1974, 55 FCC 2d 279, 40 FR 28664, 33 RR 2d 1679 (1975).

A copy of this Public Notice is being sent to all licensees.

Action by the Commission April 20, 1976. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello and Robinson.

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

[FR Doc.76–12470 Filed 4–28–76;8:45 am]

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to section 1.572(c) of the Commission's rules, that on June 9, 1976 the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 8, 1976 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on June 8, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pur-

[5] These new limits could be expressed as 18/20/24, where the licensee uses "20-minute hours" to accommodate the allowable 4 minutes of political advertising. However, the licensee may also use "18-minute hours" for such advertising.

suant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1,580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: April 23, 1976.

Released: April 26, 1976.

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

BPET-536	New, Austin, Tex. Southwest Texas Educational Television Council, Channel 18, ERP, Vis.: 2032kw; HAAT: 1101.5 ft.
BPET-537	WITF-TV, Hershey, Pa. South Central Educational Broadcasting Council, Channel 33, ERP, Vis.: 1107kw; HAAT: 1419 ft.
BPET-539	New, Lafayette, La. Louisiana Educational Television Authority, Channel 24, ERP, Vis.: 2128kw; HAAT: 1595 ft.
BPET-540	KCSM-TV, San Mateo, Calif. San Mateo Community College District, Channel 14, ERP, Vis.: 614kw; HAAT: 384 ft.
BPET-543	KYNE-TV, Omaha, Nebr. Nebraska Educational Television Commission, Channel 26, ERP, Vis.: 1000kw; HAAT: 427.6 ft.
BPET-544	New, Eufarla, Okla. The Oklahoma Educational Television Authority, Channel 3, ERP, Vis.: 100 kw; HAAT: 1307 ft.
BPCT-4913	WFIE-TV, Evansville, Ind. WFIE, Inc., Channel 14, ERP, Vis.: 1918.
BPCT-4919	New, Owensboro, Ky. Kentucky State Board of Education, Channel 31, ERP, Vis.: 608.85kw; HAAT: 951.
BMLET-133	WHWC-TV, Colfax, Wis. Educational Communications Board, Channel 28, Modification of license to change station location from Colfax, Wisconsin to Menomonie, Wisconsin.
BPET-541	New, Salinas, Calif. Monterey County Board of Education, Channel 56, ERP, Vis.: 14.96kw; HAAT: 2104 ft.

[FR Doc.76-12471 Filed 4-28-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-10]

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION, SALT LAKE CITY, UTAH

Approval of Amendment to Conversion; Notice of Final Action

Correction

In FR Doc. 76-11371 appearing at page 16614 in the issue for Tuesday, April 20, 1976, the headings should read as set forth above.

FEDERAL MARITIME COMMISSION

CELTIC BULK CARRIERS (JOINT SERVICE AGREEMENT)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 10, 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 constitue 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:

F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10035-1, among Irish Shipping Limited and Reardon Smith Line Limited, modifies the original Agreement to extend its term for an unlimited period.

By Order of the Federal Maritime Commission.

Dated: April 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12512 Filed 4-28-76;8:45 am]

PORT OF SEATTLE AND AMERICAN PRESIDENT LINES, LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-2640-6, between Port of Seattle and American President Lines, Ltd., (APL), modifies the basic agreement between the parties which provides for the five-year lease to APL (formerly American Mail Lines, Ltd.) of Terminal 25, Seattle, Washington. The purpose of the modification is to: (1) provide for the construction of a container freight station with office space, gatehouse, guardhouse, scales and other related equipment; and (2) extend the term of the basic lease for an additional 20 years upon the occupancy of the aforementioned container freight station. As compensation, APL's rental shall be increased to include the amortization of the cost of said improvements over 40 years.

By Order of the Federal Maritime Commission.

Dated: April 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12514 Filed 4-28-76;8:45 am]

SOUTH CAROLINA STATE PORTS AUTHORITY AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W.,

Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice or Agreement Filed by:

Mr. Marion S. Moore, Jr., Traffic Manager, South Carolina State Ports Authority, P.O. Box 817, Charleston, South Carolina 29402.

Agreement No. T-3296, between South Carolina State Ports Authority and Sea-Land Service, Inc., (Sea-Land), is a five-year lease (with options to renew) which provides for: (1) acquisition of the leasehold of other existing facilities and adjacent land; (2) acquisition of the leasehold in improvements and facilities constructed or to be constructed; and (3) acquisition of the preferential rights for use of berths and cranes at times set forth in the agreement. As compensation, Sea-Land shall pay a fixed rental plus tariff charges as set forth in the agreement, with a guaranteed minimum of 150,000 short tons of wharfage revenue per contract year. Wharfage payments will be based on a percentage of the applicable tariff rate when the minimum tonnage is exceeded in any contract year. When approved, Agreement No. T-3296 will supersede Agreement No. T-1970 between the same parties.

By Order of the Federal Maritime Commission.

Dated: April 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-12513 Filed 4-28-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-7193, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

APRIL 20, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf (cents)	Pressure base
G-7193 (G-4560) F 3-10-76	Union Oil Co. of California (successor to Central Commercial Oil Co.), P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., Carthage Field, Panola County, Texas.	[1] 10.6176	14.65
G-9483 D 3-11-76	Sun Oil Co., P.O. Box 20, Dallas Tex. 75221.	Tennessee Gas Pipeline Co., Nelsonville Field, Austin County, Tex.	Depleted	
G-11861 C [2] 3-8-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, 77046.	Cities Service Gas Co., Hardtner and Medicine Lodge Fields, Barber County, Kans.	[1] 23.4624	14.65
G-11862 [3] 3-8-76	do	Cities Service Gas Co., Medicine Lodge Field, Barber County, Kans.		
G-13138 C 3-5-76	P G P Gas Products, Inc., P.O. Box 1310, Midland, Tex. 79701	Northern Natural Gas Co., Imperial Gas Processing Plant, Pecos County, Tex.	[4] [5] 59.64	14.65
G-15424 C 3-3-76	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	West Lake Natural Gasoline Co. and Atlantic Richfield Co., South Lake Trammel Nena Lucia Fields, Nolan County, Tex.	[4] 19.3537	14.65
CI62-1014 (CI62-382) E 2-18-76	Joyce Western Corp., (successor to Phillips Petroleum Co.), P.O. Box E, Andover, N.Y. 14806.	Consolidated Gas Supply Corp., Ole Bull Field, Potter County, Pa.	27.5	15.325
CI67-145 (C-167-145) E 2-23-76	Southport Exploration, Inc. (successor to The Angelina Corp.), 124 East 4th St., Suite 200, Tulsa, Okla. 74103.	Texas Eastern Transmission Corp., Gist Field, Newton County, Tex.	26	14.73
CI73-46 C 3-18-76	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Choza Mesa Field, Rio Arriba County, N. Mex.	[7] 62.032	14.63
CI73-46 C 3-18-76	do	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, SW¼ sec. 27, T. 32 N., R. 11 W., San Juan County, N. Mex.	[7] 62.032	15.025
CI73-46 C 3-18-76	do	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, NE¼ SE¼ sec. 15, T. 31 N., R. 10 W., San Juan County, N. Mex.	[7] 62.032	15.025
CI73-560 E 2-17-76	W. R. Grace & Co. (successor to Great Plains Land Co.), 810 The Main Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., East Seven Sisters Field, Duval County, Tex.	[1] 32	14.65
CI73-704 A 3-17-76	Amoco Production Co., (successor to Pasco, Inc.), Security Life Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Sand Draw Field, Fremont County, Wyo.	15.3	15.025
CI74-70 C 3-1-76	Anadarko Production Co., P.O. Box 9317, Fort Worth, Tex. 76107.	Trunkline Gas Co., Block 320, Vermilion Area, Offshore Louisiana.	[8] [9] 52.0214	15.025
CI74-528 C 2-20-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[8] [9] 62.43	14.65
CI74-528 C 2-26-76	do	do	[8] [9] 62.43	14.65
CI75-202 C 3-8-76	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	do	[10] 60.4779	14.65
CI75-294 C 3-16-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., East McFaddin Field, Victoria County, Tex.	[11] 57.43	14.65
CI75-605 C, [12] 3-22-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Government "AB" No. 1 Well, Wolfcamp Zone, sec. 11, T. 20 S., R. 28 E., Eddy County, N. Mex.	[1] [8] 82	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf (cents)	Pressure base
CI76-166..... C 2-18-76	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., R. D. Mills No. 1-L Gas Unit, Mills Ranch Field, Wheeler County, Tex.	[5] 55.9102	14.65
CI76-389..... A 2-17-76	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., West Cameron Block 41, West Cameron 40 Field, Offshore Louisiana.	[1 5] $1.63	15.025
CI76-395..... A 2-23-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Cities Service Gas Co., Marhofer Gas Unit, Stanton County, Kans.	[13] 51.81	14.65
CI76-397..... A 2-26-76	MAPCO, Inc., 1437 South Boulder Ave., Tulsa, Okla. 74119.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[1] 52.0	14.65
CI76-398..... E 2-18-76	Phillips Petroleum Co. (successor to Petrominerals Corp.). 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Cities Service Gas Co., Barber County, Kans.	[1] 23.5	14.73
CI76-399..... A 2-26-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Belgrove Field, Jackson County, W. Va.	2.20	14.73
CI76-400..... A 2-24-76	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Taurus Field, Ward County, Tex.	[15] 76.7568	14.65
CI76-401..... A 2-26-76	Kerr-McGee Corp., Oklahoma City, Okla. 73102.	Montana-Dakota Utilities Co., Boxcar Butte Field, McKenzie County, N. Dak.	[15] 79.4316	14.73
CI76-402..... (G-3913) F 2-26-76	Exxon Corp. (successor to Ashland Oil, Inc.), P.O. Box 2180, Houston, Tex. 77001.	Consolidated Gas Supply Corp., Belgrove Field, Jackson County, W. Va.	[2] 2.20	14.73
CI76-403..... B 2-27-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	United Gas Pipe Line Co., Midland Field, Acadia County, La.	[37]	.....
CI76-406..... (CI62-345) F 2-18-76	Joyce Western Corp. (successor to Phillips Petroleum Co.), P.O. Box E, Andover, N.Y. 14806.	Consolidated Gas Supply Corp., Ole Bull Field, Potter County, Pa.	27.5	15.325
CI76-407..... A 3-3-76	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Block 247, Ship Shoal Area, Offshore Louisiana.	[1 5] 1.63	15.025
CI76-408..... [18] 3-5-76	American Petrofina C of Texas, P.O. Box 2150, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Days Creek Field Area, Miller County, Ark.	[15] 45.14	14.65
CI76-409..... (G-12769) E 3-4-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Farnsworth Field, Ochiltree County, Tex.	[20] 18.5694	14.65
CI76-410..... A 3-8-76	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	Mid Louisiana Gas Co., Buckhorn Field, Tensas Parish, La.	[5] 54.34	15.025
CI76-411..... A 3-8-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Sand Dunes (Morrow) Field, Eddy County, N. Mex.	[1] 56.2514	14.73
CI76-412..... B 3-8-76	Cotton Petroleum Corp., 2121 South Columbia, Tulsa, Okla. 74114.	Arkansas Louisiana Gas Co., Centrahoma Field, Coal County, Okla.	Uneconomical	.....
CI76-413..... A 3-10-76	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1500, Los Angeles, Calif. 90024.	Panhandle Eastern Pipe Line Co., Livingston Unit No. 1-B, sec. 8, T. 19 N., R. 21 W., Ellis County, Okla.	[51] 7.7192	14.65
CI76-414..... [21] 3-11-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	[1] 25.26	14.65
CI76-415..... A 3-12-76	Jenney Oil Co., Inc., P.O. Box 100 Chestnut Hill, Mass. 02167.	Transcontinental Gas Pipe Line Co., Galveston Area Block 189 Field, Offshore Louisiana.	[1] 52.1176	14.65
CI76-416..... B 3-15-76	Triton Oil & Gas Corp., 1400 1 Energy Sq., 4925 Greenville Ave., Dallas, Tex. 75206.	Lone Star Gas Co., Yount-Williams Unit, Cooke County, Tex.	Depleted	.....
CI76-417..... [23] 3-15-76	Michel T. Halbouty, 5100 Westheimer Rd., Houston, Tex. 77027.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Sublime Field, Colorado County, Tex.	[25] 56.3075	14.65
CI76-418..... A 3-15-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Francis No. 1-58 well; Holland C No. 1-57 well.	[1] 51.7176	14.65
CI76-419..... B 3-15-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Lone Star Gas Co., Delaware Bend Field, Cooke County Tex.	Depleted	.....
CI76-420..... A 3-19-76	McCulloch Oil Corp. of Texas, a Texas Corporation, 10880 Wilshire Blvd., Los Angeles, Calif. 90024	Northern Natural Gas Co., Wells Nos. 11, 13, and 14, Mathers Ranch Field, Hemphill County, Tex.	[1 5] 51.7192	14.65
CI76-424..... F 3-17-76	Amoco Production Co. (successor to Champlin Petroleum Co.), Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Wattenberg Area, Weld County, Colo.	[24] 57.687	14.73
CI76-425..... A 3-22-76	The California Co., a Division of Chevron, Oil Co. 1111 Tulane Ave., New Orleans, La. 70112.	Trunkline Gas Co., Blocks 532 and 533, West Cameron Area, Offshore Louisiana.	[1 5] $1.63	15.025
CI76-426..... B 3-17-76	Wheless Industries, Inc., 920 Commercial National Bank Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Section 14, Barham Unit, Simsboro Field, Lincoln Parish, La.	Depleted	.....
CI76-428..... A 3-25-76	Terra Resources, Inc., 5416 South Yale Ave., Tulsa, Okla. 74135.	El Paso Natural Gas Co., Hicks Lease, Hat Top Area, Nolan County, Tex.	[1] 51.00	14.73
CI76-429..... A 3-25-76	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Texas Eastern Transmission Corp., Blocks 312 and 333, Eugene Island Area, Offshore Louisiana.	[1 5] $1.63	15.025
CI76-430..... A [33] 3-24-76	Napeco, Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Northeast Angleton Field, Brazoria County, Tex.	[26] 50.5335	14.73
CI-76-431..... A 3-25-76	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, East Sawyer (San Andres) Field, Lea County, N. Mex.	[1 5] 86.7114	14.65

[1] Subject to upward and downward Btu adjustment.
[2] Applicant proposes to continue the sale of gas heretofore authorized in docket No. G-11862 to be made by applicant pursuant to its FPC gas rate schedule No. 4.
[3] Applicant proposes to discontinue sales under the contract comprising its FPC gas rate schedule No. 4, which contract is said to have expired by its own terms. On Mar. 8, 1976, applicant filed in docket No. G-11861 an application for authorization to continue the subject sale under its FPC gas rate schedule No. 5.
[4] Includes 2.236 cents upward Btu adjustment.
[5] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's "General Policy and Interpretations."
[6] Includes 1.4515 cents tax reimbursement.
[7] Includes 5.639 cents upward Btu adjustment and 4.393 cents tax reimbursement.
[8] Includes 1/2 cents gathering charge and is subject to upward and downward Btu adjustment.
[9] Includes 5.03 cents upward Btu and 1.49 cents gathering allowance.
[10] Includes 4.1933 cents tax reimbursement, 1.4919 cents gathering allowance, and 3.0751 cents upward Btu adjustment.
[11] Includes 1.12 cents upward Btu adjustment and 0.40 cents gathering allowance.
[12] Amendment to pending application.
[13] Includes 0.09 cents tax reimbursement and is subject to upward and downward Btu adjustment.
[14] Includes 2.20 cents upward Btu adjustment.
[15] Includes 5.7568 cents tax reimbursement and is subject to upward and downward Btu adjustment.
[16] Includes 7.22 cents upward Btu adjustment.
[17] Includes 2.20 cents upward Btu adjustment.
[18] Applicant proposes to continue the sale authorized in docket No. CI74-220, which authorization will terminate June 8, 1976.
[19] Subject to downward Btu adjustment.
[20] Includes 0.0694 cents tax reimbursement and is subject to downward Btu adjustment.
[21] Applicant proposes to continue the sale of its gas heretofore made by Yucca Petroleum Co. pursuant to a certificate issued in docket No. CS66-19.
[22] Applicant proposes to continue a sale authorized in docket No. G-2591 made pursuant to a contract which is said to have expired by its own terms.
[23] Includes tax reimbursement and is subject to upward and downward Btu adjustment.
[24] Includes 0.05 cent tax reimbursement and 6.637 cents upward Btu adjustment.
[25] Applicant requests a waiver of the reporting requirements of paragraph (d) of sec. 2.83 of the Commission's "General Policy and Interpretations" (18 CFR 2.83(d)) since applicant is a wholly owned subsidiary of the gas purchaser and all gas discovered or controlled by applicant must be sold and delivered to that purchaser and in view of the reporting requirements imposed on applicant by orders issued Aug. 3, 1973, and Aug. 2, 1974, in docket No. RP73-63.
[26] Includes 3.9 cents tax reimbursement and 3.6335 cents upward Btu adjustment.
[27] Wells plugged and abandoned.

[FR Doc.76-12097 Filed 4-28-76;8:45 am]

[Rate Schedule Nos. 190, et al.]

RATE CHANGE FILINGS PURSUANT TO COMMISSION'S OPINION NO. 699-H

APRIL 21, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before May 14, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 29, 1976	Amoco Production Co., Amoco Bldg., P.O. Box 50879, New Orleans, La. 70150.	190	Columbia Gas Transmission Corp.	South Louisiana.
Mar. 30, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	28	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Mar. 31, 1976	Texas Pacific Oil Co., Inc., 1700 1 Main Pl., Dallas, Tex. 75250.	62	El Paso Natural Gas Co.	Permian Basin.

[FR Doc.76-12425 Filed 4-28-76;8:45 am]

[Docket No. E-9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Certification of Settlement Agreement

APRIL 21, 1976.

Take notice that on April 14, 1976, Presiding Administrative Law Judge Wiliam L. Ellis certified to the Commission the entire record and settlement agreement in the above docketed proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 30, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-12426 Filed 4-28-76;8:48 am]

[Docket No. ES76-50]

COMMUNITY PUBLIC SERVICE CO.

Application

APRIL 19, 1976.

Take notice that on April 5, 1976, the Community Public Service Company (Applicant) filed an application, pursuant to Part 34 of the Commission's Regulations and Section 204 of the Federal Power Act, seeking authorization to engage in negotiations, with underwriters regarding the proposed issuance and sale, in separate transactions, of (i) approximately $10,000,000 principal amount of First Mortgage Bonds; and (ii) up to 150,000 shares of its Common Stock, par value $10 per share, via negotiated offering.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at Fort Worth, Texas and is authorized to do business in the States of Texas and New Mexico. Applicant is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the distribution and sale of natural gas.

The proceeds from the financings will be used to repay outstanding short-term bank loans which are expected to total $11,500,000 on October 1, 1976 and which have been or will be used for the Company's construction program Any remainder will be used for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to said Application, should on or before May 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file at the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-12422 Filed 4-28-76;8:45 am]

[Docket Nos. RP72-155, RP75-39, and PGA76-2]

EL PASO NATURAL GAS CO.

Tariff Sheets Tender

APRIL 21, 1976.

Take notice that on April 14, 1976, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, the following revised tariff sheets, to become effective April 1, 1976:

Original Volume No. 1

First Substitute Sixteenth Revised Sheet No. 3-B.

Third Revised Volume No. 2

First Substitute Sixth Revised Sheet No. 1-D.

Original Volume No. 2A

First Substitute Eighth Revised Sheet No. 1-C.

Substitute Third Revised Sheet No. 1–D.

El Paso states that by order issued March 31, 1976, the Commission, inter alia, accepted for filing and suspended for one (1) day the PGAC tariff sheets filed by El Paso February 23, 1976,[1] and permitted such sheets to become effective April 2, 1976, subject to refund. El Paso further states that ordering paragraph (D) of the Commission's said order of March 31, 1976, permitted El Paso to file revised tariff sheets to become effective April 1, 1976, reflecting that part of the increased purchased gas costs contained in its PGAC tender of February 23, 1976, other than those increased costs associated with: (i) that portion of 60 day emergency purchases from other than small producers in excess of the rates prescribed by the Commission's Opinion No. 699–H, (ii) that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by the Commission's Opinion No. 742 and (iii) certain certain special overriding royalty payments. El Paso states that the instant tender is designed to implement its PGAC increase on April 1, 1976, as permitted by said order of March 31, 1976.

El Paso states that the above described PGAC tariff sheets provide for a total PGAC current adjustment of 7.12¢ per Mcf, effective as of April 1, 1976, and is comprised of adjusted annualized purchased gas cost increases equating to 4.00¢ per Mcf, plus 3.12¢ per Mcf representing the adjusted unrecovered purchased gas cost balance, in Account 191 as of December 31, 1975. El Paso further states that the net adjustment proposed by the tendered substitute tariff sheets is an increase of 2.90¢ per Mcf in El Paso's currently effective rates and is 0.63¢ per Mcf below the PGAC net adjustment in rates of 3.53¢ per Mcf, filed by El Paso on February 23, 1976, and suspended for one (1) day until April 2, 1976, by the Commission order of March 31, 1976.

El Paso further states that the tendered Substitute Third Revised Sheet No. 1–D provides for a current adjustment of 15.4065¢ per Mcf, effective as of April 1, 1976, applicable to sales subject to the PGAC–Clean High Pressure Gas ("PGAC–CHPG") provision contained in El Paso's FPC Gas Tariff, Original Volume No. 2A. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 6.7860¢ and a surcharge adjustment of 8.6205¢ per Mcf representing the unrecovered purchased gas cost balance in Account 191 as of December 31, 1975. El Paso further states that the net PGAC-CHPG adjustment proposed by the tendered Substitute Third Revised Sheet No. 1–D is an increase of 11.0925¢ per Mcf in the currently effective rates of the affected special rate schedules and is 1.2053¢ per Mcf below the PGAC–CHPG net adjustment in rates of 12.2978¢ per Mcf filed on February 23, 1976, and suspended for one (1) day until April 2, 1976, by the Commission's March 31, 1976, order.

In addition, El Paso furnished copies of the suspended tariff sheets[2] which reflect the superseding pagination reference required as a result of the submittal of the tendered tariff sheets to be effective on April 1, 1976, and which reflects the effective date of April 2, 1976, as prescribed by the Commission in its March 31, 1976, order. Other than these changes, said tariff sheets are identical to the counterpart tariff sheets placed into effect on April 2, 1976, by the Commission's March 31, 1976, order.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72–155 and RP75–39 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–12427 Filed 4–28–76;8:45 am]

[1] Substitute Sixteenth Revised Sheet No. 3–B to Original Volume No. 1; Substitute Sixth Revised Sheet No. 1–D to Third Revised Volume 2; Substitute Eighth Revised Sheet No. 1–C and Fourth Revised Sheet No. 1–D to Original Volume No. 2A.

[2] See footnote 1, supra.

[Docket No. ER76–615]

[Docket No. RP73–43]

MID LOUISIANA GAS CO.

Proposed Change in Rates

APRIL 21, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on April 15, 1976 tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff Nineteenth Revised Sheet No. 3a and Alternate Nineteenth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Adjustment to Rate Schedules G–1, SG–1, I–1 and E–1 to be effective May 1, 1976 pursuant to FPC Opinion No. 749–A to track producer rate increases under Opinion No. 749. Mid Louisiana states that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with 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 May 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–12429 Filed 4–28–76;8:45 am]

[Docket No. ER76–615]

MISSOURI UTILITIES CO.

Filing of Modification of Wholesale Contract

APRIL 21, 1976.

Take notice that on April 13, 1976, Missouri Utilities Company (MUC) tendered for filing a copy of a letter modification of its wholesale contract with the City of California, Missouri. MUC states that the modification permits MUC to pass through to the City of California a wholesale power increase imposed upon the company by the company's supplier, Union Electric Company.

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. 20427, 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 May 8, 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.76–12424 Filed 4–28–76;8:45 am]

[Docket No. CP76–333]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

APRIL 21, 1976.

Take notice that on April 13, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76–333 an application

pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide 11,000,000 Mcf of natural gas storage service to certain existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has available for a limited period of time storage capacity of approximately 11,000,000 Mcf of natural gas in its North Lansing Field in Harrison County, Texas, and has, therefore, entered into an agreement, dated December 22, 1975, with three existing customers, The Peoples Gas Light and Coke Company (Peoples), Northern Illinois Gas Company (NI-Gas), and North Shore Gas Company (North Shore), under which Applicant has agreed to store up to 5,000,000 Mcf each for Peoples and NI-Gas and up to 1,000,000 Mcf for North Shore in the North Lansing storage field. Applicant also states that it will receive for injection quantities of gas from each such customer during a 12-month period commencing with the first day of the month in which gas is first tendered. Subsequently, it is said, gas would be withdrawn over a consecutive 36-month period immediately following the injection period or until all volumes have been withdrawn. Applicant states that the agreement will not extend beyond December 31, 1981.

Applicant asserts that it will require no new or additional facilities to effectuate the proposed storage service and that injections, storage, withdrawal and redelivery of gas will be on a best efforts basis.

The application indicates that the volumes to be stored are those volumes that each customer might release from its daily quantity entitlement under Applicant's Rate Schedule DMQ-1.

Applicant states that it will charge its customers a monthly fee of 1.8 cents per Mcf multiplied by the average monthly storage gas balance for each customer.

Any person desiring to be heard or to make any protest with reference to said aplication should on or before May 14, 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.76-12421 Filed 4-28-76;2:45 am]

[Docket No. ER76-612]

OHIO EDISON CO.

Filing

APRIL 21, 1976.

Take notice that on April 14, 1976, the Ohio Edison Company (Ohio) tendered for filing a revised contract dated March 29, 1976, between Ohio and the City of Newton Falls, Ohio for the sale of energy for resale. Ohio states that no increase in rates is proposed and the only changes from its contract of January 19, 1976 with Newton Falls are to clarify Ohio's commitment to provide for Newton Falls' requirements insofar as the company can do so. Ohio requested that the contract become effective at the same time as the initial rate schedule, that is, when service under the rate schedule commences.

Ohio states that a copy of this filing was mailed to Newton Falls.

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 May 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-12428 Filed 4-28-76;8:45 am]

[Docket No. ER76-611]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Tender of Letter Agreement for Sale of Capacity

APRIL 21, 1976.

Take notice that on April 9, 1976, Public Service Company of Oklahoma (PSCO) tendered for filing a letter agreement dated October 21, 1971, with accompanying materials, that provides for the sale by PSCO of 125 megawatts of capacity from its Riverside Unit No. 1 to Associated Electric Cooperative, Inc. (AEC) for the twelve month period beginning June 1, 1976, and ending May 31, 1977. PSCO states that the letter agreement is a supplement to Rate Schedule FPC No. 186 and that the terms and conditions of the sale are based upon similar terms in the existing Supplement No. 5 to Rate Schedule FPC No. 186 which is an agreement between PSCO and AEC. PSCO requests an effective date of June 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 May 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-12423 Filed 4-28-76;8:45 am]

[Rate Schedule Nos. 55, et al.]

RATE CHANGE FILINGS PURSUANT TO COMMISSION'S OPINION NO. 699-H

APRIL 22, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before May 14, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 30, 1976	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	55	El Paso Natural Gas Co.	Rocky Mountain.
Do	do	56	do	Do.
Do	do	57	do	Do.
Do	do	88	do	Do.
Do	do	89	do	Do.
Mar. 31, 1976	Austral Oil, Inc., 2700 Exxon Bldg., Houston, Tex. 77002.	9	Columbia Gas Transmission Corp.	South Louisiana.
Do	do	23	do	Do.
Do	Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.	[1] F-15	United Gas Pipe Line Co.	Other Southwest.
Apr. 1, 1976	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	55	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Do	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	26	El Paso Natural Gas Co.	Rocky Mountain.
Apr. 8, 1976	Chevron Oil Co., 1700 Broadway, P.O. Box 599, Denver, Colo. 80301.	13	do	Permian Basin.
Do	do	14	do	Do.
Do	Edwin L. Cox, 3800 1st National Bank Bldg., Dallas, Tex. 75202.	13	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Apr. 9, 1976	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	16	Northern Natural Gas Co.	Permian Basin.
Apr. 12, 1976	George R. Brown, 800 San Jacinto Bldg., Houston, Tex. 77002.	15	Arkansas Louisiana Gas Co.	Hugoton-Anadarko.
Do	William Herbert Hunt Trust Estate, 2500 1st National Bank Bldg., Dallas, Tex. 75202.	5	Transcontinental Gas Pipeline Corp.	South Louisiana.
Do	Estate of H. L. Hunt, 1401 Elm, Dallas, Tex. 75202.	11	William Herbert Hunt Trust Estate, d.b.a. Park Pipe Line.	Do.
Do	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	469	El Paso Natural Gas Co.	Rocky Mountain.

[1] Superseding contract proposed to replace pipeline field sale made under rate schedule F-1.

[FR Doc.76-12432 Filed 4-28-76;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.

Availability of Staff Final Environmental Impact Statement

APRIL 30, 1976.

Notice is hereby given in the above docket that on April 30, 1976, as required by Section 2.82(b) of Commission Order No. 415-C, a final environmental impact statement prepared by the staff of the Federal Power Commission was made available. This statement deals with an application by Florida Gas Transmission Company in Docket No. CP74-192 for a certificate of public convenience and necessity, under Section 7(c) and 7(b) of the Natural Gas Act, requesting authorization for construction and operation of 51.2 miles of 26- and 30-inch natural gas looping pipeline at nine locations along Florida Gas' existing mainline pipeline between Zachary, Louisiana, and Fort Lauderdale, Florida; the construction and operation of 11.3 miles of 4-inch and 5.9 miles of 20-inch natural gas lateral pipeline at three locations in the Orlando, Florida area; the relocation of 8,100 horsepower (hp) of compression at two existing compressor stations in Marion and Orange Counties, Florida, and 3,165 hp at a new compressor station in Palm Beach County, Florida; installation of a 3,000-gallon propane storage tank in Osceola County, Florida; and all other miscellaneous and related appurtenant facilities necessary for the completion of its 30-inch natural gas pipeline looping system.

In this application, Florida Gas also proposes to retire from natural gas service that part of its 24-inch mainline gas system extending from the discharge side of Compressor Station 8 near Zachary, Louisiana, eastward to Fort Lauderdale, Florida, and to convert this system to a petroleum products pipeline system. A total of 889 miles of pipeline would be retired from gas delivery service.

This statement has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its regional office located at 730 Peachtree Bldg., Room 500, Atlanta, Georgia 30308. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

Memorandum to: The Secretary (Through: Office of Energy Systems and Office of the General Counsel).

From: Chief, Bureau of Natural Gas.

Subject: Notice of Availability of Final Environmental Impact Statement, Docket No. CP74-192.

Pursuant to Section 2.82(b) of Commission Order 415-C, you are requested to have the attached notice published in the FEDERAL REGISTER and the FPC News on or about April 30, 1976. Also, please insure that a copy of this notice is sent to the Council on Environmental Quality.

S. WILLIAM YOST.

Attachment.

Forwarded for Publication: Date 4-23-76.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-12431 Filed 4-28-76;8:45 am]

NATIONAL GAS SURVEY, TRANSMISSION, DISTRIBUTION & STORAGE—TECHNICAL ADVISORY TASK FORCE—RATE DESIGN

Meeting

North Building—Room 3401, Federal Power Commission, Union Plaza Building, 941 North Capitol Street, N.E., Washington, D.C. 20426.

May 21, 1976, 9:00 A.M.

Presiding: Mr. John F. Craig, Coordinating Representative and Secretary, Federal Power Commission.

1. Call to Order—Mr. John F. Craig.

2. Subgroups 1A and 1B will assemble at 9:00 A.M. to plan efforts and prepare suggestions for Task Force completion of these assignment areas.

3. Call to Order of full Task Force at 11:30 A.M. to hear and discuss reports from Subgroups 1A and 1B.

4. Discussion of Marginal Cost Pricing by Mr. James J. Tanner.

5. Report and recommendations of the Glossary Subgroup seeking to establish definitions, terms and service categories to be used by the Task Force—Mr. Louis J. Carter.

6. Delineation and limitation by Mr. Richard Tybout of the proposals set forth in his letter to the Task Force dated February 4, 1976.

7. Discussion of other matters.

8. Establishing next meeting date and agenda.

9. Adjournment—Mr. John F. Craig.

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.76-12430 Filed 4-28-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, May 14, 1976, from 8:30 a.m. to 3:00 p.m., Room 1844, Federal Building, 915 2nd Avenue, Seattle, Washington. The meeting will be concerned with the review of the conceptual design for the U.S. Border Inspection Station, Mile 42, Haines Highway, Alaska. Frank and open critical analysis of the proposed design is essential to ensure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b),

(5) the meeting will not be open to the public.

Dated: April 21, 1976.

DAVID L. HEAD,
Regional Administrator.

[FR Doc.76-12385 Filed 4-28-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-18]

ACCIDENT REPORTS AND RECOMMENDATIONS; BRIEFS OF ACCIDENTS; RESPONSES TO SAFETY RECOMMENDATIONS

Notice of Availability and Receipt

The National Transportation Safety Board announces the release last week of four accident reports—two aircraft, one pipeline, and one railroad—each containing related safety recommendations.

Aircraft. A review of Federal procedures for handling in-flight emergencies by both pilots and air traffic controllers was recommended by the Safety Board following investigation of the January 12, 1975, crash of a Cessna 411-A near Wise, Virginia. The accident report, No. NTSB-AAr-76-5, was released April 21. The Board determined that the probable cause was a controlled collision with the terrain, while the flight was receiving radar vectors in night instrument meteorological conditions, because structural icing prevented the pilot from climbing to a safe altitude. Contributing to the accident, the Board said, were the pilot's failure to appreciate the severity of the weather he could expect to encounter and to take the initiative to divert the flight before his options were reduced, and the controllers' failure to take more timely and forceful action to seek more specific information regarding the degree of deterioration of the pilot's and aircraft's ability to deal with the adverse conditions.

As a result of the investigation of this accident, the Safety Board recommended that the Federal Aviation Administration (1) review its regulations and procedures to determine whether any deterrents exist to either ground or flight personnel which would inhibit them from the earliest possible recognition and subsequent declaration of emergency, and if so, (a) change controller training and the Controller's Handbook, and (b) change its regulations governing pilot training and certification procedures; (2) modify its ATC handbook to require the controller to seek further information from any pilot who is unable to execute an ATC clearance during adverse conditions; and (3) review its regulations surrounding the formal declaration of an emergency to remove any doubt which may exist between the pilot and the controller as to (a) the existence and extent of the emergency, (b) the ability of the pilot and airborne equipment to deal with it, and (c) the realistic options which are available to the pilot. (Recommendations A-76-17 through 19, issued April 21.)

The 5-hour delay in detecting the crash of NAVIK Air's Piper PA23-250 last May 10, only 3.3 nautical miles from the Cleveland-Hopkins International Airport, Cleveland, Ohio, was of prime concern to the Safety Board, as indicated in report NTSB-AAR-76-10, released April 23. According to the Board, the FAA's air traffic control procedures did not define the local controller's responsibility to monitor the radar display in a manner that would insure a positive transfer of control by radar observation. In addition, the aircraft's emergency locator transmitter failed because of crash damage. The Board determined that the probable cause of this accident was the pilot's failure to arrest the aircraft's descent during a landing approach inbound from the outer marker under nighttime VFR conditions. The Board could not determine why the pilot did not stop his descent.

This accident has prompted the Board to urge tighter air traffic control procedures to prevent undetected aircraft disappearances. The Board recommended that the Federal Aviation Administration (1) inform all Tower/Approach Control personnel of the facts and circumstances surrounding the NAVIK, accident, emphasizing the local controller's responsibilities when using the "Quick Look" function to acquire data transfer on arriving aircraft; and (2) assure that all Tower/Approach Control personnel understand the circumstances of the undetected disappearance of this aircraft and encourage them to use available options to effect transfer of control, including verbal communications, at any time conditions are encountered that do not justify reliance on the "Quick Look" procedure. (Recommendations A-76-56 and 57, issued April 23.)

Pipeline. A massive natural gas explosion which demolished one side of a 25-story New York City building April 22, 1974, was investigated by the Safety Board and reported out April 19, 1976 (NTSB-PAR-76-2). The Board determined that the probable cause of the accident was the rupture of an overpressured hydropneumatic tank which rocketed upward and tore an overheard gas service line out of its threaded joint; this allowed gas to flow unabated into the building. Contributing to the spread of the explosive gas-air mixture, the Board said, was the operation of elevators which drew the explosive mixture up through elevator shafts. The ignition source could not be determined.

As a result of its investigation of the explosion, the Safety Board made priority-followup recommendations to—

The *Department of Transportation* to (1) determine the availability, the practicability, and the state-of-the-art, in the manufacture of excess flow valves for use on low-pressure gas distribution systems, and, based upon the the results of these findings, amend 49 CFR 192 to incorporate the use of these valves in commercial buildings; (2) amend 49 CFR 192 to define more realistically an operator's responsibility for gas piping inside buildings; and (3) expedite review of the study, "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failure Due to Overpressure," and determine what regulatory action is necessary concerning use of excess flow valves. (Recommendations P-76-9 through 11.)

The *Department of Housing and Urban Development* to investigate the practicability and the availability of gas vapor detection instruments for installation at strategic locations in buildings; based on the results of this investigation, recommend guidelines to appropriate State and local government agencies for regulations for the installation of gas detection instruments in buildings. (Recommendation P-76-12.)

Three industry groups—*Building Officials and Code Administration International, Inc.*, the *Southern Building Code Congress*, and the *International Association of Plumbers and Mechanics Officials*—to review their codes to insure that adequate instructions are listed for the location of natural gas service lines in relation to other plumbing facilities such as pressure tanks and boilers in industrial, commercial, and residential buildings. (Recommendation P-76-13.)

All of the above recommendation letters were issued on April 19.

Railroad. Investigation of the collision of a Reading Company commuter train and a tractor-semitrailer near Yardley, Pennsylvania, June 5, 1975, has resulted in Safety Board report NTSB-RAR-76-4. The Board determined that the probable cause of the accident was the failure of the truckdriver to stop the truck in accordance with the warning signals. Investigation showed that the automatic grade crossing signals system was functioning at the time of the collision. The truckdriver said that he had not seen or heard the warning signals. The Safety Board is aware of the Department of Transportation's work in grade crossing safety. However, there is no program directed specifically to the improvement of grade crossings used by rail commuter traffic. Accordingly, the Board has recommended that DOT (1) require flashing lights and gates as minimum protection at all grade crossings used by commuter trains; and (2) develop a program directed to the improvement of all grade crossings used by commuter trains, this program to contemplate separation of grades of all these crossings in the foreseeable future. (Recommendations R-76-13 and 14, issued April 20.)

Aircraft Accident Briefs. Issue No. 3, "Aircraft Accident Reports, Brief Format, U.S. Civil Aviation—1975," was released April 23, 1976. This volume, report No. NTSB-BA-76-2, contains a computer-printed synopsis of the findings and probable cause(s) of 900 general aviation accidents which occurred in the United States last year.

The brief reports in this publication contain essential information concerning the accidents reported; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 23¢ per page for printed matter, $1.25 per page for black and white photographs, and $4.00 per page for color photographs, plus postage. Minimum reproduction charge is $2.00; an additional $4.00 user-service charge will be made for each order. Requests should be directed to the Public Inquiries

Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

The 1975 Issue No. 3 volume may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Letters in Response to Safety Recommendations. The Safety Board last week received two letters from addressees of recommendations stemming from week freight train/automobile collision at a Tracy, California, grade crossing on March 9, 1975. (See 41 FR 14952, April 8, 1976.)

National Highway Traffic Safety Administration's letter of April 19 speaks to recommendations H–76–4 and 5. Re recommendation H–76–4, NHTSA states that it is not now in a position to provide a "model probationary license program" for young drivers, but expects to award a contract in the next few months for a State-by-State survey of such programs from which the agency will formulate a "model graduated (probationary) license program." NHTSA is now engaged in a driver license demonstration, initiated in 1975 in the District of Columbia, to identify problem-drinker drivers at the time of licensing by including a specially developed screening procedure. Re recommendation H–76–5, NHTSA's "Youth Programs Multiyear Plan" aims to find solutions to the overinvolvement of youth in highway crashes. This program, according to NHTSA, will begin with a series of individual countermeasure demonstrations in the areas of enforcement, driver improvement, graduated licensing, motorcycle safety and secondary school programs on accident avoidance, alcohol education, and overall safe driver performance knowledge and skills. NHTSA states, "Subsequent to the individual countermeasure programs, an integrated multicountermeasure youth demonstration program will be initiated in FY 1980, encompassing five activity areas: enforcement, adjudication, licensing, education (secondary school), rehabiiltation and public information." NHTSA's youth programs are "structured to not only address the apprehended offender, but to deter future crashes through a major emphasis on knowledge, attitude and skills training for our young drivers *before* receiving a full license to drive." Recommendations H–76–2 and 3, also addressed to NHTSA as a result of investigation of the Tracy accident, concern effectiveness of traffic information and control systems, and systems and standards for conveying traffic information to impaired drivers at temporary traffic control sites, respectively. NHTSA contends that these two recomendations fall under the jurisdiction of the Federal Highway Administration and "will, more appropriately, be left for their comments."

Letter of April 13 from the National Committee on Uniform Traffic Laws and Ordinances concerns recommendation H–76–6. The Committee comments that the issuance of "provisional licenses" to persons under 21 years of age under section 6–111(b) of the 1968 Uniform Vehicle Code will be added to the next agenda for their Subcommittee on Drivers. Safety Board staff will be notified of the time and place and invited to attend this meeting.

Accident reports and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)))

MARGARET L. FISCHER,
Federal Register Liaison Officer.

APRIL 26, 1976.

[FR Doc.76–12483 Filed 4–28–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–TA–25]

CERTAIN ABOVE-GROUND SWIMMING POOLS

Investigation

A complaint was filed with the United States International Trade Commission on February 25, 1976, and a supplement thereto was filed with the Commission on March 25, 1976, on behalf of Coleco Industries, Inc., Hartford, Connecticut (complainant), alleging that the importation and sale in the United States of certain above-ground swimming pools constitute unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of (1) such articles being covered by certain claims of U.S. Letters Patents 3,268,917 and 3,274,621, and (2) a policy of predatory pricing which has resulted already in a substantial U.S. market penetration by such imports. Complainant further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substanially injure an industry, efficiently and economically operated, in the United States, and/or to restrain or monopolize trade and commerce in the United States. Complainant requests that the imports in question be temporarily and permanently excluded from entry into the United States, or that the Commission issue any appropriate cease and desist orders.

Having considered the above complaint, as amended, the United States International Trade Commission on April 22, 1976, Ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of this section; that is—

(a) Whether there are unfair methods of competition and unfair acts in the importation of certain above-ground swimming pools into the United States, or in their sale, by reason of such merchandise being made in accordance with the claims of U.S. Letters Patents 3,268,917 and 3,274,621;

(b) Whether the effect or tendency of such unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, and

(c) Whether the effect or tendency of an alleged policy of predatory pricing in the domestic sale of such merchandise is to destroy or substantially injure an industry, efficiently and economically operated, in the United States or to restrain or monopolize trade and commerce in the United States.

2. That for the purpose of the investigation so instituted,

Diamond Pools, U.S. Highway 9, South Amboy, New Jersey 08879.
Branch Brook Co., 223 Bloomfield Avenue, Newark, New Jersey 07104.
Harrow Stores, Bethpage Spagnola Street, Mellville, New York 11746.
Pool City, Rt. 51 South, Pittsburgh, Pennsylvania.

are alleged or believed either to be the owner, importer, consignee, or agent of either, selling the subject products in the United States, and are hereby named as respondents upon whom the complaint is to be served.

3. That the following are alleged to be foreign manufacturers or exporters of merchandise similar to that which is the subject of this investigation and who would be affected if a temporary or permanent exclusion order or crease and desist order were issued:

Irwin Toy Ltd., 165 North Queen Street, Toronto, Ontario, Canada.
Asahi Chemical Industry Co., Ltd., 1–2 Yurakucho, 1-Chome, Chiyoda-ku, Tokyo, Japan.

4. That for purposes of this investigation, Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is appointed as Presiding Officer.

5. That for purposes of this investigation, Steven D. Moskowitz, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses to the complaint and the notice of investigation will be considered by the Commission if received not later than 20 days from the date of service of the complaint. A signed original and nineteen (19) true copies of each response should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and service of such response or submission shall be made upon each of the parties to the investigation, including the Commission investigative attorney.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of respondent to file a response within the time provided to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detail of the allegations in the complaint, may be demeed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to the respondent, to find the facts to be alleged and to enter an order containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C., and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: April 26, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-12510 Filed 4-28-76;8:45 am]

[Investigation No. 337-TA-20]

BISMUTH MOLYBDATE CATALYSTS

Preliminary Conference on Discovery Matters

Notice is hereby given that the United States International Trade Commission will hold a preliminary conference in connection with Investigation No. 337-TA-20, Certain Bismuth Molybdate Catalysts, on Friday, April 30, 1976, at 10:00 a.m., in Room 336 of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C.

This Conference on Discovery Matters shall include, but shall not be limited to, oral argument on the issues raised by Respondents' Motions to Compel Discovery (Motion Docket Numbers 218, 219). If other discovery problems exist, this Conference should be viewed as an opportunity to resolve them. In addition, the participants should be prepared to present suggested dates for the prehearing conference and hearings in this proceeding.

JUDGE MYRON R. RENICK,
Presiding Officer.

Issued April 23, 1976.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

[SEAL] JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.76-12467 Filed 4-28-76;8:45 am]

[22-40]

DRIED MILK MIXTURES

Investigation and Hearing

At the request of the President (reproduced herein), the United States International Trade Commission, on April 23, 1976, instituted an investigation under subsections (a) and (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether—

Dried milk (described in items 115.45, 115.50, 115.55, and 118.05) which contains not over 5.5 percent by weight of butterfat and which is mixed with other ingredients, including but not limited to sugar, if such mixtures are capable of being further processed or mixed with similar or other ingredients and are not prepared for marketing to the retail consumers in the identical form and package in which imported; all the foregoing mixtures wherever classified under the Tariff Schedules of the United States (TSUS).

are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support programs of the U.S. Department of Agriculture for milk, or to reduce substantially the amount of products processed in the United States from domestic milk.

The President also directs that the Commission advise him with respect to advice received from the Secretary of Agriculture that the monetary limitation in headnote 2(b) of part 3 of the appendix to the TSUS is no longer a realistic figure. Headnote 2(b) reads as follows:

2. *Exclusions.*—The import restrictions provided for in this part do not apply with respect to—

* * * * *

(b) commercial samples of cotton or cotton waste of any origin in uncompressed packages each weighing not more than 50 pounds gross weight; and articles (except cotton and cotton waste) with an aggregate value not over $10 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research * * *.

The Secretary has recommended that an adjustment of this limitation be made and that the authority for making such an adjustment and any further adjustments which may become necessary in the future be vested in the Secretary of Agriculture. The President asks for advice regarding this recommendation, including the amounts of any increases deemed appropriate at the present time.

The text of the President's letter of March 26, 1976, to the Commission follows:

Pursuant to Section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that mixtures of dried milk and other ingredients are being and are practically certain to be imported under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support program for milk under taken by the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following mixtures:

Dried milk (described in items 115.45, 115.50, 115.55, and 118.05) which contains not over 5.5 percent by weight of butterfat and which is mixed with other ingredients, including but not limited to sugar, if such mixtures are capable of being further processed or mixed with similar or other ingredients and are not prepared for marketing to the retail consumers in the identical form and package in which imported; all the foregoing mixtures wherever classified under the Tariff Schedules of the United States.

The Secretary has also advised me, pursuant to Section 22(b) of the Agricultural Adjustment Act, as amended, that a condition exists requiring emergency treatment with respect to these mixtures and has, therefore, recommended that I take immediate action under Section 22(b) to restrict the quantity of the aforementioned mixtures, which may be entered. It is my intention promptly to issue a proclamation establishing a quota of zero pounds for the aforementioned mixtures, such quota to continue in effect pending Presidential action upon receipt of the report and recommendation of the United States International Trade Commission with respect thereto. [Proclamation 4423 of Mar. 26, 1976.]

The United States International Trade Commission is therefore directed to make an immediate investigation under Section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described mixtures are being, or are practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk, or to reduce substantially the amount of products processed in the United States from domestic milk, and to report its findings and recommendations to me at the earliest practicable date.

The Secretary of Agriculture has further advised me that the monetary limitation in headnote 2(b) of Part 3 of the Apendix to the Tariff Schedules of the United States for the exclusion from the quota restrictions provided for in Part 3 of articles (except cotton and cotton waste) with an aggregate value of not over $10 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research, is no longer a realistic figure. This limitation was originally established by Presidential Proclamation No. 3025 of June 30, 1953. The Secretary has recommended that an adjustment of this limitation be made, and that the authority for making such an adjustment and any further adjustments which may become necessary in the future be vested in the Secretary of Agriculture. The Commission is therefore further directed to advise me with respect to this recommendation, including the amounts of any increases deemed appropriate at the present time.

Hearing. A public hearing in connection with this investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10 a.m., e.d.t., on May 25, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Interested parties desiring to appear at the public hearing should notify the Office of the Secretary, in writing, in Washington, D.C., at least 5

days in advance of the date set for the hearing.

By order of the Commission.

Issued: April 26, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-12511 Filed 4-28-76;8:45 am]

[603-TA-2]

CROCHETED BOOTIE SETS FROM THE REPUBLIC OF KOREA

Preliminary Investigation

Notice is hereby given that the United States International Trade Commission, pursuant to the provisions of section 603 of the Trade Act of 1974 (19 U.S.C. 2482), on April 13, 1976, ordered a preliminary investigation to determine whether to institute an investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), with respect to the importation of crocheted bootie sets into the United States, or their sale, in which there may exist unfair methods of competition and unfair acts including, but not limited to, the following:

(1) A systematic effort to sell crocheted bootie sets below cost, with the intent to restrain or monopolize or the effect or tendency of restraining or monopolizing trade and commerce within the United States.

(2) Any act contributing to the above unfair act, including unfair labor practices in the repacking and shipping of crocheted bootie sets in the United States.

The investigative staff will conclude this investigation on or before June 14, 1976 and report its findings to the Commission.

By order of the Commission.

Issued: April 26, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-12468 Filed 4-28-76;8:45 am]

[AA1921-Inq.-4]

MULTIMETAL LITHOGRAPHIC PLATES FROM MEXICO

Notice of Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on April 22, 1976, that, during the course of determining whether to institute an investigation with respect to multimetal lithographic plates from Mexico in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), Treasury had concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on April 27, 1976, instituted inquiry AA1921-Inq.-4, under section 201(c)(2) of that act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Treasury advised the Commission as follows:

Dear Mr. Chairman:

In accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation is being initiated with respect to multi-metal lithographic plates from Mexico. Pursuant to section 201(c)(2) of the Act, you are hereby advised that information developed during our preliminary investigation has led to the conclusion that there is substantial doubt that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States.

Information available to Treasury indicates that total domestic sales of the subject merchandise amounted to approximately $140 million in 1974. On the other hand, imports of multi-metal lithographic plates from Mexico during 1975 were, from the best information available, valued at roughly $200 thousand. Accordingly, such imports would appear to be equivalent to only .14 percent of the U.S. market.

In relation to the above information, I note that in the negative injury determination in the antidumping investigation of Butadiene Acrylonitrile Rubber from Japan, the Commission unanimously stated: "In light of such a low import penetration, [less than 1 percent] it is difficult, absent unusual circumstances, to tie LTFV imports to any injury which may be occurring in the industry in question." Therefore, the information made available to Treasury during the preliminary investigation of multi-metal lithographic plates from Japan, absent unusual circumstances, would appear to come within the Commission guideline established in the Butadiene Rubber determination.

I would further note that while the data presented by the petitioner to Treasury during Treasury's preliminary investigation may be considered a representative sample of the total U.S. industry, the information indicates that petitioner represents only 2.6 percent of U.S. production.

Preliminarily, margins of sales at less than fair value appear to range from 35 to 71 percent on imports of the subject merchandise from Mexico.

Some of the enclosed data is regarded by the United States Customs Service to be of a confidential nature. It is therefore requested that the United States International Trade Commission consider all the enclosed information to be for the official use of the U.S.I.T.C. only, and not to be disclosed to others without prior clearance from the United States Customs Service.

Hearing. A public hearing in connection with the inquiry will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Thursday, May 6, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Friday, April 30, 1976.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than May 4, 1976.

By order of the Commission.

Issued: April 28, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-12738 Filed 4-28-76;11:57 am]

LEGAL SERVICES CORPORATION

SUPPORT CENTERS

Adoption of Resolution

On April 23, 1976, the Board of Directors of the Legal Services Corporation approved the following resolution that adopts, without change, the standard that was proposed for adoption in a resolution approved by the Board on March 5, 1976, and published in 41 Fed. Reg. 10271 (March 10, 1976) for purposes of receiving public comment.

SUPPORT CENTER RESOLUTION

Resolved, that the Board of Directors adopts the following standard for funding current support centers after March 31, 1976:

Support centers may be funded pursuant to § 1006(a)(1)(A) of the Act by contract for the purpose of providing legal assistance to eligible clients. Support centers entering into such contracts will be limited to client counseling and representational activities, professional responsibility activities in accordance with the Code of Professional Responsibility of the American Bar Association, and such "housekeeping" activities as are normally carried on by law officers. With minor transitional exceptions specifically authorized by the Corporation, each recipient entering into such contract will be prohibited from using Corporation funds for activities that § 1006(a)(3) of the Act authorizes the Corporation to undertake directly but not by grant or contract, namely, research, training technical assistance and information clearinghouse activities that relate to but are not a part of providing legal assistance to eligible clients under § 1006(a)(1)(A).

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-12479 Filed 4-28-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-62 issued to Carolina Power and Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 2, lo-

cated in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment corrects typographical errors and clarifies items in the Environmental Technical Specifications. No technical changes were made.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 3, 1975, and (2) Amendment No. 13 to License No. DPR-62. Both items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 21st day of April 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-12449 Filed 4-28-76;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-39 and Amendment No. 16 to Facility Operating License No. DPR-48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station Units 1 and 2 located in Zion, Lake County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to limit heated discharge to Lake Michigan to the present capability in terms of maximum heat rejection and water usage in lieu of specific requirements on the size and nature of the thermal plume.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

In connection with issuance of these amendments, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendment dated April 15, 1976, (2) Amendment No. 19 to License No. DPR-39 and Amendment No. 16 to License No. DPR-48, (3) the Commission's Negative Declaration published concurrently with this Notice, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60095.

A copy of items (2) (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Mryland, this 22nd day of April, 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-12450 Filed 4-28-76;8:45 am]

[Docket Nos. 50-369 and 50-370]

DUKE POWER CO.

Final Environmental Statement for the William B. McGuire Nuclear Station, Units 1 and 2; Availability

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the William B. McGuire Nuclear Station, Units 1 and 2, by Duke Power Company, in Mecklenburg County, North Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. The Final Environmental Statement is also being made available at the Office of Intergovernmental Relations, 116 West Jones Street, Raleigh, North Carolina, and at the Centralina Council of Governments, 1229 Greenwood Cliff, Suite 301, Charlotte, North Carolina.

The notice of availability of the Draft Environmental Statement for the William B. McGuire Nuclear Station, Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 29, 1975 (40 FR 50327). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0063) may be purchased at $7.50 for printed copies and $2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 13th day of April 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76-12452 Filed 4-28-76;8:45 am]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the license and its appended Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

This amendment (1) deletes Section A of Enclosure 1 to License No. DPR-67, which identifies items to be completed to the satisfaction of the Commission prior to achieving initial criticality, (2) adds a requirement to Enclosure 1 to require repair or replacement of Control Element Drive Mechanism 44 at the next reactor shutdown which would be expected to last at least two weeks, and (3) deletes from the Technical Specifications a special test exemption which permitted reactor criticality for low temperature physics tests.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public no-

tice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 16, 1976, (2) Amendment No. 4 to License No. DPR-67, and (3) the Commission's concurrently issued Safety Evaluation. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A copy of items (2) and (3) may be obtained upon request addresses to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of April 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-12453 Filed 4-28-76;8:45 am]

LONG ISLAND LIGHTING CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit #1)

Docket No. 50-322-OL

This action is in reference to the Federal Register Notice entitled "Receipt of Application for Facility Operating License, Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License Opportunity for Hearing" published by the Commission in the above matter (41 FR 11367—March 18, 1976). The members of the Board are:

John M. Frysiak, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Daniel M. Head, Esq., Member, Atomic Safety Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. Frederick J. Shon, Member, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 21st day of April 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-12454 Filed 4-28-76;8:45 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO., ET AL. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Prehearing Conference Schedule

In accordance with the rules of the Commission, a prehearing conference in the above proceeding will be held on Tuesday, May 25, 1976, at 9:00 a.m., local time, in the U.S. Court of Appeals Courtroom, Second Floor, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon.

Matters to be taken up at the conference include identification and simplification of the issues resulting from the Amended Notice of Hearing; outstanding petitions for intervention; the need for discovery and the time required for it, and establishment of schedules for further action in the proceeding.

Members of the public are welcome to attend the prehearing conference. However, there will be no evidence presented nor will there be opportunity for individuals to make oral or written statements by way of limited appearance. Such statements will be received at the evidentiary hearing to be scheduled at a later date.

It is so ordered.

Dated at Bethesda, Maryland, this 23rd day of April 1976.

The Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.76-12455 Filed 4-28-76;8:45 am]

POWER AUTHORITY OF THE STATE OF NEW YORK

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

POWER AUTHORITY OF THE STATE OF NEW YORK

(Greene County Nuclear Power Plant)
Docket No. 50-549-A

This action is in reference to the Federal Register Notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter (41 F.R. 10971—March 15, 1976). The members of the Board are:

Sheldon J. Wolfe, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. J. Venn Leeds, Jr., Member, Richardson College of Rice University, P.O. Box 941, Houston, Texas 77001.

Joseph F. Tubridy, Esq., Member, 4100 Cathedral Avenue, N.W., Washington, D.C. 20016.

Dated at Bethesda, Maryland this 21st day of April, 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-12456 Filed 4-28-76;8:45 am]

[Docket Nos. 50-546-A, 50-547-A]

PUBLIC SERVICE CO. OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Oral Arguments

In the matter of oral arguments upon petitioner's motion for leave to file untimely petition to intervene and request for hearing on the antitrust aspects of the application, and upon applicant's and staff's oppositions thereto.

The Board will hear oral arguments upon Kentucky-Indiana Municipal Power Association's (Petitioner) Motion for Leave to File Untimely Petition to Intervene and Request for Hearing on the Antitrust Aspects of the Application, and upon Applicant's and the NRC Staff's Answers in opposition thereto at 10:00 a.m., e.s.t., May 6, 1976, at the Commission's Hearing Room in the East/West Towers Building, 4350 East/West Highway, Bethesda, Maryland 20014.

The Board requests that Counsel for the Petitioner, the Staff, and Applicant be prepared to answer questions and/or to comment upon responses not limited to the following:

1. Why Petitioner did not file a petition to intervene on or before May 28, 1975, and why it did not file a motion for leave to file an untimely petition prior to March 12, 1976?

2. Why Petitioner did not file a petition with the Public Service Commission of Indiana (Docket No. 34159) prior to July 16, 1975? Prior to or subsequent to July 16, 1975, has Petitioner sought and secured opinion of bond counsel?

3. Whether Petitioner's sole contention is that it was improperly denied access to the Marble Hill facility because it was unable to comply with paragraph vii (c) of the Applicant's Statement of Bulk Power Supply Policies which provided that any neighboring entity or neighboring distribution system making a timely request for participation in the Marble Hill units must enter into a legally binding and enforceable agreement by December 1, 1975?

4. If Petitioner's answer to question 3, supra, is in the affirmative, wherein has a situation been created or maintained which is inconsistent with the antitrust laws?

5. What is the relevancy of Petitioner's reference at page 4 of its Brief to the proceedings now pending before the Federal Power Commission in the case of *The Electric and Water Plant Board of the City of Frankfort, Kentucky* v. *Kentucky Utilities Company*, Docket No. E-7704?

6. Does Petitioner (KIMPA), as an entity separate from its members, own generating plants, transmission lines, substations, and distribution lines? Does it purchase and/or sell power?

7. Why did Applicant intervene in the proceeding initiated by Petitioner on July 16, 1975 before the Public Service Commission of Indiana (Docket No. 34159) and what positions were taken therein by the Applicant?

8. To date, with which identified entities or systems has Applicant either committed itself or executed agreements for participation in the Marble Hill units? What are the dates upon which said agreements or commitments, if any, were executed, and what are the individual percentages of participation?

9. What does Applicant mean at page 12 of its Answer in stating that "All that occurred on December 1 was that KIMPA lost its right to invoke the special protection provided by the agreed license conditions (Statement, para. vii(a))"?

10. Is Applicant amenable and under what conditions to negotiating with Petitioner regarding participation in the Marble Hill units even though the date of December 1, 1975 has passed?

It is so ordered.

Dated at Bethesda, Maryland this 19th day of April, 1976.

ATOMIC SAFETY AND LICENSING BOARD,
SHELDON J. WOLFE,
Chairman.

[FR Doc.76-12457 Filed 4-28-76;8:45 am]

[Docket Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO. AND ATLANTIC CITY ELECTRIC CO. (HOPE CREEK GENERATING STATION, UNITS 1 AND 2)

Conference

Notice is hereby given that a conference in this proceeding will take place on Thursday, May 6, 1976, at 9:30 a.m., at the Salem County Courthouse, Courtroom No. 1, 2nd Floor, 92 Market Street, Salem, New Jersey. The Board hereby directs the attendance of the representatives of the Applicant, the Regulatory Staff, the Concerned Citizens on Logan Township Safety, Stanley C. Van Ness, the Borough of Paulsboro and the Borough of Swedesboro, and Mr. David A. Caccia. In addition, attendance at the conference by representatives of the State of New Jersey and the State of Delaware is expressly invited.

The participants should be prepared to thoroughly discuss the recently filed "Applicant's Motion for Prompt Issuance of Supplemental Initial Decision," the pending petitions to intervene, and any other matters that it may be useful to consider at the time.

It is so ordered.

Dated at Bethesda, Maryland this 23rd day of April 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman,

[FR Doc.76-12458 Filed 4-28-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.59, Revision 1, "Design Basis Floods for Nuclear Power Plants," discusses the design basis floods that nuclear power plants should be designed to withstand without loss of capability for cold shutdown and maintenance thereof. This guide as originally issued included an appendix outlining the nature and scope of detailed hydrologic engineering activities for determining estimates for the probable maximum flood and for seismically induced floods resulting from dam failures. This revision contains two new appendices that give timesaving alternative methods of estimating the probable maximum flood along streams and a simplified method of estimating probable maximum surges on the Atlantic and Gulf coasts.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.59, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by June 25, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 21st day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-12460 Filed 4-28-76;8:45 am]

[Docket Nos. STN 50-518, STN 50-519, STN 520, STN 50-521]

TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANTS, PLANT A UNITS 1 AND 2 PLANT B UNITS 1 AND 2)

Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Tennessee Valley Authority to conduct certain site activities in connection with the Hartsville Nuclear Plant, Plant A Units 1 and 2 and Plant B Units 1 and 2, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1), and include site clearing and grading, installation of construction buildings, construction of access and service roads, and excavation for certain facility structures.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Tennessee Valley Authority and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto. A Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on April 20, 1976. A copy of (1) the Partial Initial Decision, (2) the applicant's Preliminary Safety Analysis Report and amendments thereto, (3) the applicant's Environmental Report and amendments thereto, (4) the staff's Final Environmental Statement dated June 1975, and (5) the Commission's letter of authorization dated April 22, 1976, are available for inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and at the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

Dated at Rockville, Maryland, this 22nd day of April.

For the Nuclear Regulatory Commission.

F. J. MIRAGLIA,
Acting Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.76-12459 Filed 4-28-76;8:45 am]

[Docket Nos. 50-295 and 50-304]

ZION STATION UNITS 1 AND 2

Regarding Amendments to License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Amendments to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company (licensee) for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois.

The amendments would revise the Technical Specifications to limit heated discharge to Lake Michigan to the present capability in terms of maximum heat rejection and water usage in lieu of specific requirements on the size and nature of the thermal plume.

The Commission has prepared an environmental impact appraisal for the proposed amendments and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Zion Station Units 1 and 2 published in October 1972, and that accepted by the U.S. EPA in its Federal Water Pollution Control Act Section 316(a) Determination for Zion Station.

The environmental impact appraisal setting forth the basis for the Commission's determination is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Waukegan Public Library, 128 North County Street Waukegan, Illinois 60685.

Dated at Bethesda, Maryland, this 22d day of April, 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-12451 Filed 4-28-76;8:45 am]

PRIVACY ACT OF 1974

Notices of Systems of Records: Deletion of NRC-33

In accordance with the Privacy Act of 1974, the Nuclear Regulatory Commission has published notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the annual compilation of Privacy Act documents.

The amendment set forth below deletes NRC-33, "Standards Development Greenbook Task File—NRC" from the NRC Systems of Records. The NRC has determined that the Greenbook Task File is not a system of records as defined by the Privacy Act of 1974 since (a) the file does not contain personal information about an individual and (b) information in the file is maintained by the task number and is not retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice is hereby given that NRC-33, "Standards Development Greenbook Task File—NRC" is deleted from the NRC Systems of Records.

Effective date. This amendment to the Notices of Systems of Records becomes effective on April 29, 1976.

Dated at Bethesda, Maryland, this 14th day of April 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-12464 Filed 4-28-76;8:45 am]

POSTAL RATE COMMISSION

[Docket No. RM76-5; Order No. 116]

FILING OF PERIODIC REPORTS BY THE UNITED STATES POSTAL SERVICE

Order Extending Time To Submit Comments

APRIL 23, 1976.

On April 21, 1976, the Postal Service filed a letter with the Secretary of the Commission, requesting that the time for filing comments in this proceeding be extended from April 23, 1976 until at least June 1, 1976. We are treating this letter as a motion.[1]

The Postal Service alleges that the time allowed for filing is insufficient "for the Postal Service and other interested parties to make an appropriately helpful response * * *." The Postal Service also states that there are technical problems with the Notice (40 Fed. Reg. 14903) which require further analysis. Finally, the Service suggests that the Commission hold conferences prior to its adoption of any rule in order to discuss "amendments or additions to other portions of the rules which we feel to be of equal or greater importance than those proposed."

Upon consideration, the Commission will not grant the full extension of time requested by the Postal Service. We believe that the Service has sufficient knowledge of the subject matter and the necessary resources to meet an earlier date. Therefore, we will grant an extension of time until May 7, 1976 to file comments. We would note, however, that we do not contemplate any further extensions and that this rulemaking will not be prolonged. In this regard, we do not intend to expand the scope of this present rulemaking. If the Service believes that other sections of our rules require amendments, the proper procedure is for the Service to file a request for proposed rulemaking with the Commission, outlining the nature of its proposal.[2]

Wherefore, the Commission orders that the date for filing comments in this proceeding is extended until May 7, 1976 and the date for filing of reply comments is extended until May 21, 1976.

By the Commission.

[SEAL] DAVID F. HARRIS,
Acting Secretary.

[FR Doc.76-12473 Filed 4-28-76;8:45 am]

[1] The Postal Service is requested to follow our rules of practice and file motions, not letters. See 39 C.F.R. § 3001.16.

[2] While we are not precluding the possibility of a conference in this case, the Service should state why a conference is required and the subjects that would be discussed.

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Establishment

I, Roderick M. Hills, Chairman of the Securities and Exchange Commission, with the concurrence of the members of the Commission, have established an advisory committee under the Federal Advisory Committee Act which is designated as the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation, described hereinafter, and I hereby certify that I have considered the establishment of this Committee and, with the concurrence of the other members of the Commission, find the creation of this Committee to be in the public interest in that it will assist the Commission in its performance of its responsibilities under the federal securities laws.

The Advisory Committee is established to advise the Chief Accountant of the Commission on various difficult, complex and technical questions concerning implementation of Rule 3-17 of Regulation S-X relating to disclosure of replacement cost data.

The Advisory Committee shall conduct its operations in accordance with the provisions of the Federal Advisory Committee Act.

The duties of the Committee shall be solely advisory and shall extend only to advising the Chief Accountant of the Commission and to reviewing materials submitted to it by the Office of the Chief Accountant. Determinations of action to be taken and policy to be expressed with

respect to the recommendations of the Advisory Committee shall be made solely by the Chief Accountant.

The Securities and Exchange Commission shall provide any necessary support services required by the Advisory Committee.

The estimated annual operating costs in dollars and man-years of the Committee are as follows:

Dollar costs	$7,500 for travel, per diem, and miscellaneous expenses for Committee members and Commission personnel.
Man years	1½ man years per year for Commission personnel on a continuing basis.

The Advisory Committee shall meet at such intervals as are necessary to carry out its functions. It is estimated that the meetings of the full Committee will not occur more frequently than monthly. Unless otherwise provided by amendment of the Charter, the Committee will terminate at the end of eighteen months from the date of its establishment.

Pursuant to the determination of the Director of the Office of Management and Budget, the Charter of this Committee is hereby filed concurrently with this notice of the establishment of the Committee. The Charter will be filed with the Senate Committee on Banking, Housing, and Urban Affairs and with the House of Representatives Committee on Interstate and Foreign Commerce. A copy of this Charter also shall be furnished to the Library of Congress and to the Office of Public Information of the Securities and Exchange Commission, and will be available for public inspection.

[SEAL] RODERICK M. HILLS,
Chairman.

APRIL 22, 1976.

[FR Doc.76-12395 Filed 4-28-75;8:45 am]

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Notice of Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on May 18, 1976, at the Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C., beginning at 9:30 a.m. This meeting will be open to the public.

This will be the first meeting of the Advisory Committee. The Purpose of the meeting is to (1) review the objectives and responsibilities of the Advisory Committee and to establish plans for the orderly progression of the Committee's work, (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission.

Further information on this matter may be obtained by writing:

Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

APRIL 22, 1976.

[FR Doc.76-12396 Filed 4-28-76;8:45 am]

[File No. 500-1]

ALRAC CORP., ET AL.

Suspension of Trading

In the Matter of Trading in Securities of Alrac Corporation, American Thermal Resources, Inc., Black Hawk Resources Company, Chronetics, Inc., Comfax Communications Industries, Inc., Continued Care Facilities, Inc., Datapax Computer Systems Corp., Detsco, Inc., Donbar Development Corp., Getty Financial Corp., Homestead Minerals Corp., House of Knitting, Inc., Hydroculture, Inc., Kenilworth Research and Development Corp., Landco, Inc., Lectro-Management, Inc., Manhattan Continental Development Corp., Marine Protein Corp., Mediatrics, Inc., Minerva International, Inc., National Computer Corp., National Telefilm Associates Inc., Nuclear Research Associates Inc., Oakridge Holdings, Inc., Realty Equities Corporation of New York, Rockwood National Corp., Rockwood Computer Corp., NEI Corp., Sanitas Service Corp., Scientific Pollution Control Corp., Systems Corp., Therm Air Manufacturing Co., Inc., Tronchemics Research, Inc., Twentieth Century Industries, Inc.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in all the securities of the above companies being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:00 p.m. (e.s.t.) April 22, 1976 through May 1, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-12436 Filed 4-28-76;8:45 am]

[File No. 2-37401, (22-6087); 3-5005]

AMERICAN AIRLINES, INC.

Application and Opportunity for Hearing

APRIL 22, 1976.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeships of Bankers Trust Company under four existing indentures not qualified under the Act, under one existing indenture so qualified and under a new indenture not to be so qualified is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under one of such indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such identures.

The Applicant alleges the following:

(1) The Applicant, a Delaware Corporation, intends to finance the acquisition of five Boeing Model 727-223 Aircraft in a leveraged lease transaction which will include the placement with several institutional investors on or before August 31, 1976 of approximately $30 million principal amount of debt certificates which certificates are expected to be issued pursuant to a trust indenture and mortgage ("1976 Indenture") not to be qualified under the Act. It is anticipated that the certificates to be issued under the 1976 Indenture will consist, to the extent of approximately 48.72 percent of the aggregate principal amount, of Short Term Loan Certificates (8½ year maturity) and to the extent of approximately 51.28 percent of the aggregate principal amount of Long Term Loan Certificates (14 year maturity). The Short Term Loan Certificates and the Long Term Loan Certificates will be secured ratably by the Aircraft and a lease thereof to the Applicant. The Long Term Loan Certificates will also be secured by additional collateral in the form of a letter of credit to be issued by a banking institution for the account of the Applicant. Copies of the proposed 1976 Indenture will be filed by an amendment to the Applicant's Application promptly upon its availability.

(2) Applicant desires to appoint Bankers Trust Company, a New York Corporation, to act as trustee under the 1976 Indenture.

(3) Bankers Trust Company presently is acting as trustee under a trust agreement dated as of October 20, 1967 ("1967 Indenture"), under a trust agreement dated as of September 15, 1969 ("1969 Indenture"), under a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture"), under a trust agreement dated as of November 15, 1971 ("1971 Indenture") and under a trust indenture and mortgage dated as of April 1, 1975 (the "1975 Indenture") relating to the financing of twenty-seven Boeing Model 727–223 aircraft, two Boeing Model 727–223 aircraft, seven Boeing Model 747–123 aircraft, two McDonnell Douglas DC–10 aircraft and six Boeing Model 727–223 aircraft, respectively, leased to Applicant, which constitute five of Applicant's fifteen presently existing flight equipment lease transactions. 6½% Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03 of which $80,212,242.89 remain outstanding; final payment is due on January 1, 1987. 9½% Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40 of which $6,698,158.88 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture and remain outstanding in the following respective principal amounts: $47,850,000 original principal amount of 11% Series A, due December 1, 1988, presently outstanding in the principal amount of $41,089,000.00; $31,800,000 original principal amount of 10⅞% Series B, due December 1, 1988, presently outstanding in the principal amount of $27,251,000.00; $15,564,000 original principal amount of 9½% Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,000 original principal amount of 9½% Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000 original principal amount of 10% Series C, due June 1, 1989, presently outstanding in the principal amount of $27,746,000.00. 9¼% Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67 of which $18,872,979.42 remain outstanding.

11⅝% Equipment Trust Loan Certificates were issued under the 1975 Indenture in the original principal amount of $32,031,409.80 of which $31,028,459.23 remain outstanding. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1967 Indenture were filed as Exhibit 2 to Applicant's Application dated March 3, 1970 under Section 310(b)(1)(ii) of the Act in connection with Applicant's Registration Statement on Form S–7 under the Securities Act of 1933 (No. 2–37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to Applicant's Registration Statements under the Securities Act of 1933 (Nos. 2–37401, 2–38352 and 2–39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to the Applicant's Application dated March 25, 1975 under Section 310(b)(1)(ii) and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1975 Indenture were filed as Exhibit A to the Applicant's Application dated April 2, 1976 under Section 310(b)(1)(ii) and are incorporated herein by reference.

(4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture, and 1971 Indenture and the 1975 Indenture are, and the certificates to be issued under the 1976 Indenture (which in the case of the Long Term Loan Certificates are also secured by the letter of credit referred to above) will be, secured by a separate lot of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

(5) The Applicant is not in default under any of its equipment obligations.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 24, 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 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12437 Filed 4–28–76;8:45 am]

CANADIAN JAVELIN LTD.

Suspension of Trading

APRIL 21, 1976.

On March 11, 1976, the Commission received a petition from Mr. Samuel H. Sloan seeking review of all of the suspensions of trading in Canadian Javelin Ltd. securities from November 29, 1973, to date. Mr. Sloan asked, among other things, that the Commission refrain from renewing the trading suspension of Canadian Javelin Ltd. and that the Commission declare that the previous trading suspensions were illegal.

Mr. Sloan states that he is the owner of 13 shares of Canadian Javelin Ltd., that in the past he has engaged in substantial purchases and short sales of shares of that stock, particularly during 1973 prior to a suspension of trading beginning on November 29, 1973.

On that date the Commission not only suspended trading of Canadian Javelin common stock, but also instituted a civil injunctive action against it and certain of its principals, charging violations of the registration and antifraud provisions of the Securities Act of 1933; of antifraud provisions of the Securities Exchange Act of 1934, as well as of annual and periodic reporting requirements of that Act. In addition, it was charged that false reports were filed with the Commission by Canadian Javelin Ltd. and that the company had disseminated a series of press releases containing false and misleading information relating to its purported development of Panamanian mineral properties. This resulted in a series of suspensions which concluded on January 26, 1975.

According to criminal informations returned in Canada, it appears that the common stock of Canadian Javelin may have been artificially manipulated on two Canadian stock exchanges, and that this was continuing after January 26, 1975. The Commission is actively investigating, among other things, possible manipulation of the stock in the United States securities markets. The Commission on April 29, 1975, again suspended trading as a result of a lack of information concerning pending investigative action by Canadian regulatory authorities.

In addition, a number of private civil suits are pending in Canada involving a dispute regarding control of the company. A Canadian provincial court recently issued an order installing a new board of directors and this order is now on appeal.

Mr. Sloan pointed out that the most recent annual report issued by Canadian Javelin Ltd. contains an earnings statement and a balance sheet of Canadian Javelin Ltd., both of which are certified by the accounting firm of Lee & Martin. Since March 31, 1976, however, the company has been delinquent with respect to the filing of its 10–K report.

Mr. Sloan also contends that the trading suspension aids Mr. Doyle to the detriment of United States stockholders and concludes from this "that in all probability Mr. Doyle is bribing a person or persons at the SEC in order to bring about repeated suspensions of Canadian Javelin Ltd." The facts he alleges in no way support this speculation.

Accordingly, it appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Canadian Javelin Ltd. being traded on a national securities exchange or otherwise 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 a national securities exchange or otherwise is suspended, for the period from April 23, 1976, through May 2, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76–12438 Filed 4–28–76;8:45 am]

[Release No. 12358; File No. SR–CBOE–76–2]

CHICAGO BOARD OPTIONS EXCHANGE

Proceedings To Determine Whether Proposed New CBOE Rules Should Be Disapproved

APRIL 22, 1976.

The Chicago Board Options Exchange ("CBOE"), LaSalle at Jackson, Chicago, Illinois, 60604, has filed, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1), and Rule 19b–4 thereunder, 17 CFR 240.19b–4:

(1) A proposed deletion of existing Rules 14.5(b,c) and 14.5.01 which fix rates to be charged by Board Brokers; and

(2) A proposed CBOE Rule 2.24 which would establish a schedule of Exchange fees to be charged for Board Broker execution services, such new fee schedule to be equal to the present schedule of Board Broker rates, and a proposed related substitution of a new CBOE Rule to be renumbered 14.5(b) which would prohibit Board Brokers from imposing any charges for services rendered by them.

The deletion of existing CBOE Rules 14.5(b,c) and 14.5.01, which eliminates CBOE's provision for fixed Board Broker rates is required absent compliance with Section 6(e) of the Act and has been approved by the Commission. (Securities Exchange Act Release No. 12359 (April 22, 1976)) CBOE has stated in its submission accompanying its rule proposals that proposed Rule 2.24, which would establish an Exchange fee schedule to be charged for Board Broker execution services, and the proposed related substitution of a new CBOE Rule 14.5(b), which would prohibit charges by Board Brokers, are consistent with various requirements set forth in Sections 6(b) and 6(e) of the Act. The complete statements by the CBOE of the basis and purpose of the proposed rules are contained in the notice of filing published at 41 Fed. Reg. 8844 (March 1, 1976).

Proceedings to Determine Whether to Disapprove Proposed New CBOE Rules 14.5(b) and 2.24 (SR–CBOE–76–2)

The Commission is instituting proceedings pursuant to Section 19(b)(2) of the Act to determine whether proposed new CBOE Rules 14.5(b) and 2.24 should be disapproved. Institution of proceedings appears appropriate at this time in view of the substantial legal and policy issues summarized below and does not necessarily indicate that the Commission has formulated any conclusions with respect to any of the issues involved.

Grounds for Disapproval Under Consideration

Section 6(e) of the Act prohibits, after May 1, 1976, an exchange from imposing any schedule or fixing rates of "commissions, allowances, discounts or other fees to be charged by its members" unless the Commission finds that "such schedule or fixed rates of commission, allowances, discounts, or other fees are in the public interest."[1] As discussed herein, the Commission believes substantial legal and policy questions exist as to whether proposed CBOE Rule 2.24 and proposed new Rule 14.5(b) are subject to provisions of Section 6(e) as effective on May 1, 1976.

In either case, the Commission is required to find that proposed CBOE Rule 2.24 and new Rule 14.5(b) are consistent with other provisions of the Act and the rules and regulations thereunder. Section 6(b) of the Act sets forth certain requirements for any exchange applying for registration as a national securities exchange. After registration, an exchange is required to submit any proposed rule change to the Commission for a determination that it is consistent with the Act and the rules and regulations thereunder. In the view of the Commission, a proposed rule change would not be consistent with the Act and the rules and regulations thereunder if, among other things, the Commission could not make the determinations required under Section 6(b) of the Act with respect to the rules of an exchange which included the proposed rule change prior to registration of an exchange.

On the basis of the issues presented by both Sections 6(e) and 6(b), the Commission has decided to give notice at this time, pursuant to Section 19(b)(2)(B) of the Act, of the following grounds under consideration for disapproval of SR–CBOE–76–2.[2]

A. Section 6(e)(1) of the Act and Exchange Act Rule 19b–3 (17 CFR 240.19b–3) prohibit, after May 1, 1976, a national securities exchange from imposing any schedule or fixing rates of commissions, allowances, discounts, or other fees to be charged by its members for acting as broker on the floor of the exchange. Proposed CBOE Rule 2.24 would establish a schedule of fees to be charged by CBOE for Board Brokers' execution services. Currently, CBOE imposes on its Board Brokers a uniform schedule of fees which they are required to charge for their execution services; that same schedule would be used if Rule 2.24 became effective and CBOE revenues derived therefrom would be paid to Board Brokers, less an amount determined by application of a formula described in the record but not in the CBOE filing. The parallel provisions of proposed new CBOE Rule 14.5(b) would prohibit charges by Board Brokers. In light of the effect of proposed CBOE Rule 2.24 and new Rule 14.5(b), in comparison to provisions of existing CBOE Rules 14.5(b,c), (which have been repealed), the first ground under consideration for disapproval is whether proposed CBOE Rules 2.24 and 14.5(b) may be adopted only after compliance with the applicable procedural requirements of Section 6(e) and if so, whether their adoption would be in the public interest.[3] The Commission will concurrently consider whether proposed CBOE Rule 2.24 and new Rule 14.5(b) are consistent with Rule 19b–3 and, if not, whether Rule 19b–3 should be modified.

B. Section 6(b)(4) requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members. Accordingly, in light of the novelty of providing an Exchange fee for Board Broker services and, in order to explore further whether appropriate standards of reasonableness and equitable allocation have been met, a ground under consideration for disapproval is whether proposed CBOE Rules 2.24 and new Rule 14.5(b) are consistent with Section 6(b)(4).

C. Section 6(b)(5) requires that rules of national securities exchanges be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system and not be designed to permit un-

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[1] Further, if such schedule, rates, or other fees are to extend beyond November 1, 1976, the Commission is required to make additional findings with respect to such charges as required by Section 6(e)(1)(B) and pursuant to the procedures outlined in Section 6(e)(4)(A–E).

[2] It is, of course, possible for a proposed rule change of a self-regulatory organization to be inconsistent with other provisions of the Act and rules and regulations thereunder.

[3] Section 6(e)(1)(A) allows a national securities exchange, by rule, to impose a reasonable schedule or fix reasonable rates of commissions, allowances, discounts, or other fees to be charged by its members for effecting transactions on such exchange prior to November 1, 1976, if the Commission finds that such schedule of fixed rates or other fees are in the public interest. At this time CBOE has not attempted to make any showing that proposed CBOE Rule 2.24 and new Rule 14.5(b) are in the public interest.

fair discrimination between customers, issuers, brokers or dealers. Proposed CBOE Rules 2.24 and new Rule 14.5(b) would prohibit not only "unfair discrimination" but discrimination on the basis of price or access to services among customers (brokers) of Board Brokers, without regard to possible justification therefor. The imposition of a fixed fee may also be viewed as an impediment to the mechanism of a free and open market and national market system. Accordingly, the extent to which an absolute prohibition of any discrimination is appropriate and the extent to which a fixed fee may act as an impediment to the mechanism of a free and open market and national market system are grounds under consideration for disapproval.

D. Section 6(b) of the Act requires that the rules of a national securities exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Proposed CBOE Rules 2.24 and new Rule 14.5(b) would prohibit CBOE Board Brokers, as individuals, from competing among themselves and, by means of competitive rates, with holders of books on other exchanges particularly where dual trading of options occurs. Accordingly, a ground under consideration for disapproval of the CBOE proposal is the extent to which the CBOE proposal will impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Procedure

The Commission has determined to provide an opportunity for the oral presentation of views, data and arguments, as well as the submission of written statements, as part of these proceedings. Interested persons are invited to submit written data, views and arguments within 30 days from the date hereof as to the CBOE's rule proposals and to submit a rebuttal to any other person's submission within 45 days from the date hereof. An opportunity for oral presentation of data, views and arguments will be provided on May 19, 1976. SR–CBOE–76–2 and copies of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the CBOE's submissions are also available at the principal office of the CBOE. Persons desiring to make written statements or rebuttal statements should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Persons desiring to make oral presentations are requested to notify the Secretary of the Commission of such intent and should file six copies of their prepared statements with the Secretary of the Commission by May 14, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12439 Filed 4–28–76;8:45 am]

[Release No. 12295; (SR–CBOE–76–1)]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

MARCH 31, 1976.

On February 12, 1976, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois, 60604, filed with the Commission, pursuant to Section 19(b) of the Securities 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 to provide its board of directors with the ability to increase the number of directors who may serve as members of the Exchange's Executive Committee.

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. 12118 February 19, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 8453, (February 26, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 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 February 12, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12440 Filed 4–28–76;8:45 am]

[Release No. 12228; (SR–DSE–76–1)]

DETROIT STOCK EXCHANGE

Order Approving Proposed Rule Change

MARCH 17, 1976.

On January 23, 1976, the Detroit Stock Exchange, Penobscot Building, Detroit, Michigan, filed with the Commission pursuant to Section 19(b) of the Securities 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 to allow the Governing Committee to fix the number of its members at not less than seven nor more than eleven.

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 Release No. 12074, (February 6, 1976)) and by publication in the FEDERAL REGISTER (41 FR 6810, (February 13, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 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 January 23, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12441 Filed 4–28–76;8:45 am]

[Release No. 12284; (SR–DSE–76–2)]

DETROIT STOCK EXCHANGE

Order Approving Proposed Rule Change

MARCH 30, 1976.

On February 23, 1976, the Detroit Stock Exchange, Penobscot Building, Detroit, Michigan, filed with the Commission pursuant to Section 19(b) of the Securities 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 to provide for competitive floor brokerage rates.

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. 12111, (February 18, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 8131, February 24, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 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 February 13, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–12442 Filed 4–28–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

[Volume 28]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

APRIL 23, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before June 1, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 61137 (Notice of filing of petition to modify commodity description), filed April 7, 1976. Petitioner: FRANKLIN A. ZAHN, doing business as F. A. ZAHN TRUCKING CO., P.O. Box 145, R.D. 1, Caeesequake State Park Rd., Matawan, N.C. 07747. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a common carrier certificate in MC 61137, issued August 23, 1961, authorizing transportation over irregular routes, as pertinent, of *Sand and clay, and sand and clay mixtures*, in bulk, in dump trucks, and in containers, from South Amboy, and South River, N.J., and points in Madison, and Sayreville Townships, and Middlesex County, N.J., to points in New York, and Pennsylvania within 100 miles of South Amboy, N.J.

By the instant petition, petitioner seeks to delete the phrase "in dump trucks" from the commodity description in order to clarify its authority to haul the named bulk commodities in vehicles other than dump trucks.

No. MC 107678 (Sub-Nos. 23 and 35) (Notice of filing of modification of permit), filed April 5, 1976. Petitioner: HILL & HILL TRUCK LINE, INC., 14942 Talcott Street, P.O. Box 9698, Houston, Tex. 77015. Petitioner's representative: David A. Sutherlund, 1140 Connecticut Avenue, Suite 501, Washington, D.C. 20036. Petitioner holds motor *common carrier* certificates in No. MC 107678 (Sub-Nos. 23 and 35) issued February 18, 1963 and August 7, 1967, respectively, authorizing transportation generally of *mercer, size and weight, and earth drilling* commodities, between points in the contiguous United States and Alaska.

By the instant petition, petitioner seeks an interpretation by the Commission that if a motor carrier holds radial authority between points in the contiguous United States and points in Alaska, it should be allowed to interchange traffic, in substituted water-for motor service, at any point regardless of whether or not it holds authority to serve the point at which interchange is effected; or in the alternative modify the named certificates to remove that restriction and thereby allow the questioned water-for motor service operations.

No. MC 113855 (Sub-No. 90) (Notice of filing of petition to modify commodity description), filed April 2, 1976. Petitioner: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Petitioner's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Petitioner holds a motor *common carrier* certificate in No. MC 113855 (Sub-No. 90), issued May 3, 1965, authorizing transportation over irregular routes, of *Agricultural machinery, and implements*, other than hand, as described in Appendix XII (b) to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, farm tractors, and the following tractor attachments only: scarifiers, bulldozers, backhoes, buckets, front end loaders, and forklifts, from points in California, to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation of any of the above commodities which by reason of size or weight, require the use of special equipment.

By the instant petition, petitioner seeks to broaden the commodity description by deleting reference to Appendix XII(b) to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from the above commodity description.

No. MC 123408 (Sub-Nos., 3, 7, 10, 11, 12, 16, and 17) (Notice of filing of petition for interpretation of permits), filed April 7, 1976. Petitioner: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. 07201. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *contract carrier* permits in MC 123408 (Sub-Nos. 3, 7, 10, 11, 12, 16, and 17), issued May 2, 1962, October 31, 1962, May 28, 1965, May 28, 1965, February 9, 1965, August 10, 1966, and May 8, 1967, respectively, authorizing transportation over irregular routes, generally of *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies*, with exceptions and qualifications, between specified points in Delaware, Connecticut, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

By the instant petition, petitioner seeks an interpretation by the Commission that the above referenced commodity description includes "prescription drugs and medicines", or in the alternative to modify the enumerated permits to include "prescription drugs and medicines".

No. MC 135364 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed March 29, 1976. Petitioner: MORWALL TRUCKING, INC., R.D. 3, Box 76–C, Moscow, Pa. 18444. Petitioner's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Petitioner holds a motor *contract carrier* permit in No. MC 135364 (Sub-No. 1), issued March 30, 1972, authorizing transportation over irregular routes, of (1) *artificial Christmas trees*, from the plantsite of Masterpiece, Inc., in Blakely, Pa., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylanvia, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *equipment, supplies, and materials* used in the manufacture of artificial Christmas trees (except in bulk, in tank vehicles), from points in Connecticut, Michigan, New Jersey, New York, North Carolina, Ohio, and Vermont, to the plantsite of Masterpiece, Inc. located in Blakely, Pa., under a continuing contract, or contracts, with Masterpiece, Inc., of Blakely, Pa.

By the instant petition, petitioner seeks to modify its authority by substituting in part (1) American Technical Industries, Inc. located in Chicago, Ill. as the origin plantsite in lieu of Masterpiece, Inc. located in Blakely, Pa.; by substituting in part (2) American Technical Industries, Inc. located in Chicago, Ill. as the destination point in lieu of Masterpiece, Inc. located in Blakely, Pa.; and by substituting American Technical Industries, Inc. located in Chicago, Ill. as the contracting shipper with respect to parts (1) and (2) above, in lieu of Masterpiece, Inc. located in Blakely, Pa.

No. MC 135774 (Notice of Filing of Petition to modify territorial description), filed April 2, 1976. Petitioner: PAIGE TRUCKING CORP., 106 John St., Brooklyn, N.Y. 11201. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *contract carrier* permit in No. MC 135774, isused December 5, 1972, authorizing transportation, over irregular routes of *confectioneries and such commodities* as are used in the manufacture and sale of confectioneries (except commodities in bulk), between Salt

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Lake City, Utah, Emeryville, Calif., Hopkins, Minn., Chicago and Moline, Ill., St. Louis and Kansas City Mo., Omaha, Nebr., Syracuse and Brooklyn, N.Y., Norwood, Mass., Pittsburgh, Pa., Jersey City, N.J. and Farmington, N. Mex., restricted to a transportation service to be performed under a continuing contract, or contracts, with Y & S Candies, Inc., of Brooklyn, N.Y.

By the instant petition, petitioner seeks to add East Hempfield, Pa. to the territory described above.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before June 1, 1976. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 334), filed March 31, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in California, to points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 1293 (Sub-No. 6), filed March 24, 1976. Applicant: EBEL TRANSFER, INC., 212 W. Sherman St., Scribner, Nebr. 68057. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *common carrrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Iowa Beef Processors, Inc., at or near West Point, Nebr., and Sioux City, Iowa; and (2) *empty trailers*, between West Point, Nebr., and Sioux City, Iowa, restricted in (1) above to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flat car service.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 2229 (Sub-No. 193), filed February 25, 1976. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Douglas Anderson, P.O. Box 47407, Dallas, Tex. 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), alternate routes for operating convenience only, (1) between Jefferson, Tex., and Texarkana, Texas-Arkansas, serving no intermediate points: From Jefferson over U.S. Highway 59 to Texarkana and return over the same route.

(2) Between Baton Rouge, La., and Jackson, Miss., serving no intermediate points: From Baton Rouge, over Interstate Highway 12 to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson and return over the same route; (3) between Hempstead, Tex., and Farwell, Tex., serving no intermediate points: From Hempstead, Tex., over U.S. Highway 290 to Austin, Tex., thence over U.S. Highway 183 to Cisco, Tex., thence over Interstate Highway 20 to junction U.S. Highway 84 (near Sweetwater, Tex.), thence over U.S. Highway 84 to Farwell, Tex., and return over the same route; (4) between Fort Worth, Tex., and Farwell, Tex., serving no intermediate points: From Ft. Worth, Tex., over Interstate Highway 20 to junction U.S. Highway 84 (near Sweetwater, Tex.), thence over U.S. Highway 84 to Farwell, Tex., and return over the same route; (5) Between Jacksboro, Tex., and Farwell, Tex., serving no intermediate points: From Jacksboro, Tex., over Texas State Highway 199 to Seymour, Tex., thence over U.S. Highway 82 to Lubbock, Tex., thence over U.S. Highway 84 to Farwell, Tex., and return over the same route; (6) between Birmingham, Ala., and Memphis, Tenn., in connection with carriers' authorized regular route operation, serving no intermediate points, and serving Memphis for the purpose of joinder only: From Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., and return over the same route; (7) between Atlanta, Ga. and Memphis, Tenn., in connection with carriers' authorized regular route operation, serving no intermediate points, and serving Memphis for the purpose of joinder only: From Atlanta, Ga., over U.S. Highway 278 to the junction of U.S. Highway 78, thence over U.S. Highway 78 to Memphis, Tenn., and return over the same route; (8) between Mobile, Ala. and Montgomery, Ala., in connection with carriers' authorized regular route operation, serving no intermediate points and serving Montgomery for the purpose of joinder only: From Mobile, Ala., over Interstate Highway 65 to Montgomery, Ala., and return over the same route; and (9) between Little Rock, Ark. and Oklahoma City, Okla., serving Oklahoma City for purposes of joinder only: From Little Rock over Interstate Highway 40 to Oklahoma City, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 2900 (Sub-No. 288), filed March 29, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32202. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding balls and liner plates*, from Pulaski, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 8958 (Sub-No. 31) (Partial correction), filed January 21, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, republished as corrected this issue. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* of the kind used

in construction and manufacture of contractors equipment and machinery (1) (d) between points in that part of Ohio west and south of a line commencing at Lake Erie thence along Ohio Highway 534 to its junction with Ohio Highway 14, thence along Ohio Highway 14 to its junction with Ohio Highway 45, thence along Ohio Highway 45 to its junction with Ohio Highway 7, thence along Ohio Highway 7 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line on the one hand, and on the other, points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30; Cook County, Ill. and Libertyville and Grayslake, Ill.; Chicago, Ill.; points in DeKalb, DuPage, Grundy, Kane, Kendall, and Will Counties, Ill.; Belvidere, Ill. and points in LaSalle County, Ill. within fifty (50) miles of Oswego, Ill., and points in Kenosha and Walworth Counties, Wis.

The purpose of this filing is to eliminate the gateways of Niles, Ohio, and the junction of Interstate Highway 80 and Ohio Highway 18, points in that part of northeastern Ohio on and east of U.S. Highway 21 and on and north of the junction of U.S. Highways 21 and 36 to U.S. Highway 22 and on and north of U.S Highway 22 to the Ohio-West Virginia state line and Indiana Toll Road Interchange No 12, points in Lake County, Ind., on and north of U.S. Highway 30 and Chicago, and points in Cook, McHenry and Lake Counties, Ill. (2) *Metal and metal products, asphalt, roofing cement, and prepared roofing materials* (except commodities in bulk and those requiring special equipment) (b) from points in that part of Lake and Porter Counties, Ind., on and north of U.S. Highway 30; Cook County, Ill.; Libertyville, and Grayslake, Ill.; Chicago, Ill., those points within twenty-five (25) miles of Chicago; points in DeKalb, DuPage, Grundy, Kane, Kendall and Will Counties, Ill., Belvidere, Ill.; points in LaSalle County, Ill. within fifty (50) miles of Oswego, Ill., and points in Kenosha and Walworth Counties, Wis., to points in that part of Ohio except those on and north and east of a line beginning at the Ohio-Michigan state line and extending along U.S. Highway 23 to Upper Sandusky, thence eastward along U.S. Highway 30 to the Ohio-Pennsylvania state line. The purpose of this filing is to eliminate the gateways of Cook, McHenry and Lake Counties, Ill.; Chicago, Ill., and points in Lake County, Indiana, on and north of U.S. Highway 30 and Indiana Toll Road Interchange No. 12.

NOTE.—The purpose of this partial republication is to correctly distinguish between the towns and Counties in the state of Illinois, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 52579 (Sub-No. 149), filed February 12, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Kosciusko, Miss., to Chicago, Ill.; Columbus, Ohio; Dallas and Garland, Tex.; Lawrence, Mass.; Los Angeles, Calif.; Newport, Del.; North Bergen, N.J.; Philadelphia, Pa. and Tucker, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 61592 (Sub-No. 385), filed March 22, 1976. Applicant: JENKINS TRUCK LINE, INC., a Corporation, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial or commercial waste containers*, from the plantsite of Galbreath, Incorporated, located at or near Winamac, Ind., to points in Arizona, California, Colorado, Iowa, Delaware, Idaho, Kansas, Louisiana, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 64932 (Sub-No. 558), filed March 26, 1976. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 67866 (Sub-No. 31) (Amendment), filed December 29, 1975, published in the FEDERAL REGISTER issue of March 11, 1976, republished as amended this issue. Applicant: FILM TRANSIT, INC., 3931 Homewood Street, Memphis, Tenn. 38118. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock), between points in an area and on the line which bounds that area commencing at the southwest corner of Arkansas, thence north along the Arkansas-Texas State Line to Texarkana, Ark., thence west along the Arkansas-Texas State Line to the Arkansas-Oklahoma State Line, thence north along the Arkansas-Oklahoma State Line to the Arkansas-Missouri State Line, thence east along the Arkansas-Missouri State Line to its intersection with U.S. Highway 62, thence east along U.S. Highway 62 to New Madrid, Mo. at the Mississippi River, thence northeast along the meanders of the Mississippi River to Paducah, Ky., thence southeast along U.S. Highway 68 to its intersection with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State Line, thence east along the Kentucky-Tennessee State Line to its intersection with U.S. Highway 31W, thence south along U.S. Highway 31W to Nashville, Tenn., thence south along U.S. Highway 31 to Columbia, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence south along U.S. Highway 431 to the Tennessee-Alabama State Line, thence west along the Tennessee-Alabama State Line to its intersection with Alabama Highway 17, thence south along Alabama Highway 17 to Hamilton, Ala., thence west along U.S. Highway 78 to the Alabama-Mississippi State Line, thence south along the Alabama, Mississippi State Line to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi-Louisiana State Line, thence north along the Mississippi-Louisiana State Line to the Arkansas-Louisiana State Line, thence west along the Arkansas-Louisiana State Line to the point of beginning, and Lilbourn, Mo.

Restrictions: No service shall be rendered in the transportation of any package or article weighing more than 70 pounds, or exceeding 96 inches in length, or exceeding 150 inches in length and girth combined, no service shall be provide in the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day. Applicant now holds all of the authority here sought except between points in Arkansas west of the following line: Commencing at Texarkana, Ark., thence east along Interstate Highway 30 to its intersection with Arkansas State Highway 7, thence north along Arkansas State Highway 7, thence west along Arkansas State Highway 10 to Fort Smith, Ark., thence north along U.S. Highway 71 to the Arkansas-Missouri State Line. That authority is contained in Docket No. MC 67866 (Sub- No. 30) and is limited to single packages which do not exceed 108 inches in length and girth combined. The effect of this application will be to authorize additional authority in the southwestern corner of Arkansas, and to increase the permissible package size from 108 inches in length and girth combined to 96 inches in length and 150 inches in length and girth combined.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 82492 (Sub-No. 132), filed March 26, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalama-

zoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain* and *drapery rods, hardware, accessories, and parts thereof, bath and shower accessories, hardware, and parts thereof*, from Scottsville, Ky., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, those points located in and west of Allegheny, Livingston and Monroe Counties, N.Y. and those points in Pennsylvania on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 99780 (Sub-No. 54), filed February 27, 1976. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the plant site and storage facilities of the Gillette Company, located in the Chicago, Ill. Commercial Zone, to points in Illinois and that portion of Iowa bounded on the west by U.S. Highway 169, and the Minnesota-Iowa State Boundary line to the north, the Iowa-Missouri State Boundary line to the south, and the Iowa-Wisconsin-Illinois State Boundary lines to the east, restricted to traffic originating and terminating at the storage facilities and plant sites of The Gillette Company only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 101186 (Sub-No. 14), filed March 24, 1976. Applicant: ARLEDGE TRANSFER, INC., Highway 34 West, P.O. Box 157, Burlington, Iowa 52601. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Des Moines and Winfield, Iowa: From Des Moines, Iowa over Iowa Highway 163 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Iowa Highway 149, thence over Iowa Highway 149 to junction Iowa Highway 78, thence over Iowa Highway 78, to Winfield, Iowa, and return over the same route serving all intermediate points; and (2) between Des Moines and Iowa City, Iowa: From Des Moines, Iowa, to Iowa City, Iowa over Interstate Highway 80, and return over the same route, serving no intermediate points and serving Iowa City for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 102817 (Sub-No. 26), filed March 24, 1976. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Muscatine County, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; Indianapolis, Ind., or Washington, D.C.

No. MC 103051 (Sub.-No. 367), filed March 26, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934–44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Virginia and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Atlanta, Ga.

No. MC 107002 (Sub-No. 485), filed March 29, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, from Brownsville, Tenn., to points in Florida, Illinois, Mississippi, and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Jackson, Miss.

No. MC 107295 (Sub-No. 809), filed March 25, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicants' representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door frames, windows, window frames, and millwork*, from Peru, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 1021), filed March 24, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, from Waukegan, Ill., to points in Indiana and Wisconsin; and (2) *kiln dust*, in bulk, from the plantsite of Dundee Cement Company, at or near Clarksville, Mo., to points in Illinois, Iowa, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 107496 (Sub-No. 1022), filed March 22, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chloro-Aceto-Nitrile* in a Toluene solution, in bulk, in tank vehicles, from Boulder, Colo., to Waltham, Mass.; (2) *Toluene*, in bulk, in tank vehicles, from Waltham, Mass., to Boulder, Colo.; and (3) *fertilizer solutions*, in bulk, in tank vehicles, from Grant, Nebr., to points in Colorado, Kansas, Oklahoma, South Dakota and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at either Omaha, Nebr., or Denver, Colo.

No. MC 110315 (Sub-No. 22), filed March 31, 1976. Applicant: FELTS TRANSPORT CORPORATION, P.O. Box 2729 Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th St. NW, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, (1) from Hugheston, W. Va., to points in Buchanan, Russell, Tazewell and Wise Counties, Va.; and (2) from Bluefield, W. Va., to Russell County (except Carbo), Dickenson County (except Bartlick and Duty), Tazewell County, and Wise County (except Coeburn), Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Raleigh, N.C.

No. MC 110328 (Sub-No. 11), filed March 31, 1976. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita Street, York, Pa. 17402. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain grocery businesses, foods and foodstuffs, chemicals and cleaning com-

pounds and pet foods, between the warehouse, storage and shipping and receiving facilities of D. Westervelt, Inc., located at Shrewsbury and Hanover, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at York, Pa.

No. MC 110525 (Sub-No. 1153), filed March 30, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 219), filed March 30, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tanks, and parts and materials* used in the construction and reaction of steel tanks, from the plantsite and warehouse facilities of Tec Tank Company located at Parsons, Kans., to points in California, Louisiana, Texas, and points in and east of Illinois, Kentucky, Mississippi, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 111611 (Sub-No. 26), filed March 1, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous Glass reinforced products*, from the plantsite of Fiber-Dyne, Inc. located at Sun Valley, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 111729 (Sub-No. 632), filed March 25, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dentures, impressions, models, bites, articulators, and products* related to restorative dentistry; and (2) *laboratory samples and specimens, and related reports and supplies*, between Wichita, Kans., on the one hand, and, on the other, points in Oklahoma.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 633), filed March 25, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and dried cut flowers, decorative greens, green plants, and floral supplies*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from Minneapolis, Minn., to Omaha, Nebr., Ironwood, Mich., and points in Iowa, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 105), filed March 30, 1976. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 S. Shields Blvd., Oklahoma City, Okla. 73129. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Bonner, Mont., to Albuquerque, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 113651 (Sub-No. 195), filed March 24, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Indianapolis, Ind., to points in Michigan and Ohio, restricted to shipments originating at the plantsites and facilities of Stark & Wetzl, Inc., located at the above origin and destined to the destinations named above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 103), (Amendment), filed March 22, 1976, published in the FEDERAL REGISTER issue of April 15, 1976, republished as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16220. Applicant's representative: William H. Shawn, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from ports of entry on the International Boundary line between the United States and Canada located in New Hampshire, New York, Maine, Michigan and Vermont, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—The purpose of this republication is to amend the territorial description by including (5) five additional destination points. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Pittsburgh, Pa.

No. MC 113908 (Sub-No. 373), filed March 29, 1976. Applicant: ERICKSON TRANSPORTATION CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, rum, wine, wine products, neutral spirits, distilled spirits, alcoholic liquors and alcohol*, in bulk (except brandy, rum, wine and wine products, to Cincinnati, Ohio) from Atlanta and Roberta, Ga., and their Commercial Zones, to Cincinnati, Ohio; Edison, N.J.; and Detroit, Mich., and their Commercial Zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 114045 (Sub-No. 432), (Correction), filed March 11, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, republished as corrected this issue. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, ammoniacal liquor and aqua ammonia, ammonium, persulfate chemicals, NOI, chrome sulphate solution, copper sulphate (blue vitroil), and nickel plating solutions;* (2) *cleaning, scouring, washing compounds, soap and soap powder;* (3) *paints, compounds, paint, lacqurer, varnish, gum, resin, plastic and adhesive increasing, reducing, removing, thickening and thinning;* and (4) *pumice stone*, from Westwood, Newton, and Salem, Mass., to points in Texas and California, restricted in (1), (2), (3), and (4) above against the transportation of commodities in bulk, and further restricted to

traffic moving in vehicles equipped with mechanical refrigeration.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Boston, Mass.

No. MC 114055 (Sub-No. 7), filed March 29, 1976. Applicant: RAY KOLNIK, doing business as RAY KOLNIK TRUCKING, Prairie View Road, Walworth, Wisc. 53184. Applicant's representative: Joseph E. Ludden, 309 State Bank Building, La Crosse, Wisc. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of the G. Heileman Brewing Company, Inc., at La Crosse, Wisc., to Chicago, Ill., and the Chicago, Ill. Commercial Zone, as defined by the Commission.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wisc., or Chicago, Ill.

No. MC 114211 (Sub-No. 264), filed March 22, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment and lawn and leasure product dealers, and manufacturers (except commodities in bulk), between points in the United States including Alaska, but excluding Hawaii, restricted to movements from, to, or between the facilities of White Farm Equipment Company, Inc. and its dealers and other retail outlets.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 255) filed March 4, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company located at or near Shakopee, Minn., to St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115113 (Sub-No. 32) filed March 25, 1976. Applicant: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby, 920 32nd Avenue West, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Spencer Foods, Inc., located at or near Spencer, Hartley, and Fort Dodge, Iowa, to points in Illinois and Wisconsin, restricted to the transportation of traffic originating at the above origins and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa or Omaha, Nebr.

No. MC 116858 (Sub-No. 15), filed March 25, 1976. Applicant: J & M CARRIERS CORP., 43-06 54th Rd., Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise*, as is distributed by a premium stamp redemption center in redemption of premium stamps, and *equipment, materials and supplies*, used in the conduct of such business, between the warehouse site of Sperry & Hutchinson Co. located in Metuchen, N.J., on the one hand, and, on the other, points in Chemung, Albany, Schenectady and Fulton Counties, N.Y. and Hampden County, Mass.; and (2) *premium stamp books*, with stamps attached, from Chemung, Albany, Schenectady and Fulton Counties, N.Y. and Hampden County, Mass., to the warehouse site of Sperry & Hutchinson Co. located in Metuchen, N.J., under a continuing contract, or contracts with Sperry & Hutchinson Co.

NOTE.—Common control may be involved. If a hearin gis deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116915 (Sub-No. 26), filed April 1, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, parts, attachments and accessories and materials and supplies*, used in the manufacturing of such commodities, between the plantsite and facilities of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky. or Washington, D.C.

No. MC 117416 (Sub-No. 52), filed March 25, 1976. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, N.W., Knoxville, Tenn. 37921. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except in bulk or frozen), (a) from the plantsite and facilities of Keebler Company located at Atlanta, Ga., to points in Illinois, Indiana, Ohio, Tennessee and West Virginia, and Grand Rapids, Mich., (b) from the plantsite and facilities of Keebler Company located at Grand Rapids, Mich., to points in Georgia; and (c) from the plantsite and facilities of Keebler Company located at Macon, Ga., to Grand Rapids, Mich.; and (2) *materials, equipment and supplies*, used or useful in the production and distribution of bakery products (except in bulk or frozen), between the origins and destinations specified in (1) (a), (b), and (c) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 117503 (Sub-No. 9), filed March 26, 1976. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and those of unusual value), between the Seattle-Tacoma International Airport near Seattle, Wash.; Portland International Airport near Portland, Oreg.; Sacramento Metropolitan Airport near Sacramento, Calif.; San Francisco International Airport near San Francisco, Calif., and Los Angeles International Airport near Los Angeles, Calif., and the facilities of direct and indirect air carriers located within twenty-five (25) miles of the airports mentioned above, restricted against the transportation of traffic having a prior or subsequent movement by air, to movements in trailers equipped with rollerized floors; and further restricted against service between the Seattle-Tacoma International Airport on the one hand, and, on the other, the Portland International Airport, and against service between the San Francisco International Airport, on the one hand, and, on the other, the Los Angeles International Airport.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento, Calif. or San Francisco, Calif.

No. MC 117940 (Sub-No. 175), filed March 29, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from Savannah, Ga., to points in Kansas and Nebraska, restricted to traffic originating at the named origin point and destined to the facilities of S. S. Kresge Company, at points in the named destination states.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Minneapolis, Minn.

No. MC 117940 (Sub-No. 176), filed April 1, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia, to points in Iowa, Kansas, Missouri, and Nebraska, restricted to traffic originating at points in the above named origin states and destined to the facilities of S. S. Kresge Company located at points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Minneapolis, Minn.

No. MC 118159 (Sub-No. 171), filed March 24, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366–Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, newsprint* not less than 60% groundwood and *paper, groundwood* not less than 60% groundwood, from the plantsite and warehouse facilities of Kimberly-Clark Corporation located in Talladega County, Ala., to points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas; and (2) *materials and supplies*, used in the manufacture or distribution of newsprint and groundwood paper, from points in Arkansas, Kansas, Louisiana, Mississippi, Oklahoma and Texas, to the plantsite and warehouse facilities of Kimberly-Clark Corporation, located in Talladega County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119656 (Sub-No. 34), filed March 30, 1976. Applicant: NORTH EXPRESS, INC., 219 East Main St., Winamac, Ind. 46996. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Southwind Maritime Centre located at or near Mt. Vernon, Posey County, Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 119741 (Sub-No. 55), filed March 31, 1976. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., RFD 2, P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Fort Dodge, Iowa, to points in Illinois and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 120737 (Sub-No. 35), filed March 22, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, and parts, and attachments* for irrigation systems, from Havana, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture and distribution of irrigation systems, and parts and attachments for irrigation systems, from points in the United States (except Alaska and Hawaii) to Havana, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 121281 (Sub-No. 12), filed March 23, 1976. Applicant: BIG MAC TRUCKING CO., 1335 Boyles St., P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, scrap or crushed vehicle bodies, scrap vehicle parts and accessories, scrap motors and batteries*, (1) between points in Texas; and (2) between points in Texas, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 123872 (Sub-No. 48), filed March 29, 1976. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling and refrigeration rooms and boxes, and commercial refrigeration units*, crated (except commodities which because of size or weight, require the use of special equipment); and (2) *parts* for the commodities described in (1) above, from the facilities of the Leer Manufacturing Company, located at or near New Lisbon, Wis., to points in Georgia, restricted to the transportation of traffic originating at the above described origin facilities and destined to the named destination state.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Hickory, N.C.

No. MC 124078 (Sub-No. 683), filed March 24, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dust*, in bulk, from the plant site of Universal Atlas Cement Division of United States Steel Corporation, located in Ralls County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 113832 (Sub-No. 68) therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Chicago, Ill.

No. MC 124211 (Sub-No. 274), filed March 31, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, processed meats, and commodities in bulk), and *such commodities* as are dealt in and used by distributors, manufacturers, processors and millers of grain and grain products (except commodities in bulk) (1) between points in Lancaster County, Nebr., on the one hand, and, on the other, points in the United States (except Alaska, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia); and (2) from points in Lancaster County, Nebr., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124813 (Sub-No. 145), filed March 22, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals, iron oxide and dry pigments, and materials and supplies* used in the manufacture and distribution thereof, between Springfield, Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125997 (Sub-No. 9) (Correction), filed March 3, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as corrected this issue. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Box 434, Shawano, Wis. 54166. Applicant's representative: John D. Varda and Michael S. Varda, 121 S. Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crates, box shook, dimension stock, pallets, and wooden material handling containers*, from Shawano, Wis., to points in Illinois on and north of U.S. Highway 24; and (2) *wire nails and wire steel products, strapping, and boiler compound*, from the destination area described in (1) above, to Shawano, Wis., under contract with Holz Manufacturing Company, Inc.

NOTE.—The purpose of this republication is to correct the commodity description in part (2) of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Green Bay, Wis.

No. MC 126193 (Sub-No. 2), filed March 30, 1976. Applicant: SIGLE TRUCKING CO., Box 332, North Lima, Ohio 44452. Applicant's representative: Joe F. Asher, 88 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit*, coated or uncoated, between North Lima, Ohio and points in Michigan, under a continuing contract, or contracts with Plexco, a division of Amsted Industries, Incorporated (formerly known as Pipe Line Service Company, a division of Amsted Industries, Incorporated).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 126717 (Sub-No. 9), filed March 26, 1976. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin St., Evansville, Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling equipment*, in drive-away service, in initial movements, from Gainesville, and Alachua, Fla., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Applicant holds contract carrier authority in No. MC 124885, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 126736 (Sub-No. 84), filed March 22, 1976. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Jacksonville, Fla., to points in South Carolina and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jacksonville or Tallahassee, Fla.

No. MC 127100 (Sub-No. 17), filed March 17, 1976. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Charles K. Boxell, 9th Floor Toledo Trust Bldg., Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Frankenmuth, Mich., to Toledo, Ohio; and (2) *empty containers*, from Toledo, Ohio, to Frankenmuth, Mich., under contract with Metropolitan Distributing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Lansing, Mich.

No. MC 127820 (Sub-No. 6), filed February 23, 1976. Applicant: TRANSSERVICE, INC., 1943 South Lawn Extension, Coshocton, Ohio 43812. Applicant's representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, Ohio 43220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing treated with plastic or rubber or other protective substances and diagnostic instruments equipment, and apparatus*, between Coshocton, Ohio, and Haynesville, La., (2) *gloves, and parts of gloves, and materials, supplies and equipment* used in the manufacture, packaging, sale, distribution of gloves and parts of gloves, and clothing treated with plastic or rubber or other protective substances, and diagnostic instruments, equipment, and apparatus, (a) between Haynesville, La., and Emeryville, Calif.; and (b) between Coshocton, Ohio, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania; (3) *glass tubing and rubber articles*, between Millville and Vineland, N.J., and Parkersburg, W. Va., on the one hand, and, on the other, Broken Bow and Columbus, Nebr., (4) *medical and surgical supplies*, (a) between Broken Bow, Columbus, and Holdrege, Nebr., on the one hand, and, on the other, points in Georgia, Pennsylvania, and New Jersey; (b) between Hancock, N.Y., and Emeryville, Calif.; (c) between Fairfield, N.J., and Emeryville, Calif.; (d) between Parsippany, N.J., and Emeryville, Calif.; and (e) between New Canaan, Conn., and Los Angeles, Calif.; (5) *plastice laboratory wares*, between Oxnard, Calif., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Maryland, Ohio, Illinois, and Indiana; (6) *plastic articles* used in the manufacture of medical and surgical supplies, between Montgomery, Pa., and New York, N.Y., on the one hand, and, on the other, Columbus and Holdrege, Nebr., (7) *gloves, masks, and tubing*, between Los Gatos, Calif., on the one hand, and, on the other, points in New Jersey, and New York; and (8) *polyether foam fabrics*, between Moonachie, N.J., and Coshocton, Ohio, under a continuing contract, or contracts, with Becton, Dickinson and Company, (and its Non-Corporate Division).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 128007 (Sub-No. 89), filed March 24, 1976. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, related articles, fittings and jointing materials*, from Pittsburg, Kans., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; and (2) *clay, clay products, equipment, materials and supplies*, used or useful in the manufacturing, packaging, transporting and distributing of clay products and jointing materials, from points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming, to Pittsburg, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128030 (Sub-No. 103), filed February 27, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 1255 N. Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Windows, doors, building woodwork and materials and accessories*, used in the in-

stallation thereof, from Rantoul, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials*, used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Rantoul, Ill.

NOTE.—Applicant holds contract carrier authority in MC 5352, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Springfield, or Chicago, Ill.

No. MC 128038 (Sub-No. 1), filed March 1, 1976. Applicant: VIRGINIA SHERMAN LAVENDER, doing business as TUNICA TRUCK LINE, P.O. Box 369, Marks, Miss. 38646. Applicant's representative: J. D. Taylor, Sr., 3639 Elm Park Rd., Memphis, Tenn. 38118. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), between Tunica, Miss. and Memphis, Tenn.: From Tunica, Miss. over U.S. Highway 61 to junction Mississippi Highway 4, thence over Mississippi Highway 4 to junction Mississippi Highway 3, near Sarah, Miss., thence over Mississippi Highway 3 to junction Mississippi Highway 304, thence over Mississippi Highway 304 to Eudora, Miss., thence over Mississippi Highway 301 to the Mississippi-Tennessee State Boundary line, thence over Tennessee Highway 14A to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., and return over the same route, serving all intermediate points, and the off-route points of Strayhorn, Miss. and Crocket (community), Miss.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 128155 (Sub-No. 4), filed March 22, 1976. Applicant: R. C. VAN LINES, INC., 1044 Northside Drive NW., Atlanta, Ga. 30318. Applicant's representative: Robert J. Gallagher, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, between points in the United States (except Alaska Hawaii, Idaho, Montana, Oregon, and Washington), restricted to the transportation of traffic moving on a U.S. Government bill of lading or for U.S. Government contractors and employees whose moving costs are reimbursed by the U.S. Government, and further limited to a two year trial or "test" period.

NOTE.—Applicant states it will offer transportation services which will be 26% less than the present rates governing the movement of household goods of military personnel as determined by Movers and Warehousemen Association tariff GRT 1-X, and supplements thereto. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128190 (Sub-No. 12), filed March 31, 1976. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 E. Railroad Street, Fremont, Nebr. 68025. Applicant's representative: R. W. Wigton, P.O. Box 388, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor, over irregular routes, transporting: (1) *Materials equipment and supplies*, used by honey accumulating, processing, packing, storing and distribution plants, and by apiaries; and (2) *honey and beeswax*, when in mixed shipments with the commodities named in (1) above, between the plantsites and storage facilities of Sioux Honey Association, at or near Anaheim, Calif.; Sioux City, Iowa; Temple, Tex.; Umatilla, Fla.; Waycross, Ga.; and Wendell, Idaho, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Sioux Honey Association, at Sioux City, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa or Omaha, Nebr.

No. MC 128343 (Sub-No. 33) filed March 30, 1976. Applicant: C-LINE, INC., Tourtellot Hill Rd., Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and automotive goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Lincoln, Pawtucket, Warren, and Woonsocket, R.I., and New Bedford and Taunton, Mass., to points in Arkansas, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in Arkansas, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming, to Lincoln, Pawtucket, Warren, and Woonsocket, R.I. and New Bedford and Taunton, Mass., under a continuing contract, or contracts with Avnet, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 138861 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Providence, R.I.

No. MC 134068 (Sub-No. 27), filed March 29, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, washing, and polishing compounds* (except in bulk, in tank vehicles), from Watertown, Wis., to points in Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Common control and duel operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 134308 (Sub-No. 12), filed March 30, 1976. Applicant: CADDO EXPRESS, INC., 1257 E. Reno, Oklahoma City, Okla. 73117. Applicant's representative: Roland Rice, 1111 E St. NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facilities of the Houston Chemical Company, division of P.P.G. Industries, near Woodward, Okla., as an off-route point in conjunction with carrier's existing authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134477 (Sub-No. 107), filed March 22, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which at the time moving on bills of lading of freight forwarders under Par IV of the Interstate Commerce Act, from the facilities of ABC-Trans National Transport, Inc. located at Philadelphia, Pa., Boston, Mass., New York, N.Y. and Newark, N.J., to Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134599 (Sub-No. 143), filed March 25, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 265 W. 2700 South, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical agricultural products, chemical compounds, latex plastic materials, carpet cushioning, footwear and equipment, materials and supplies* used in the manufacture thereof (except commodities in bulk or those which because of size or weight require special handling or equipment), between the Uniroyal facilities located at Naugatuck, Conn., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Iowa, Louisiana, Minnesota, Missouri, New Mexico, North Carolina, Oklahoma, Oregon, South Car-

olina, Tennessee, Texas, and Washington, under a continuing contract or contracts with Uniroyal, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 144), filed March 29, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, 265 W. 2700 South, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium accessories; brine shrimp, dried and household pet cages, supplies and equipment* (except commodities in bulk or those which because of size or weight require special handling or equipment), from East Paterson, Lodi, and Maywood, N.J., to points in California (except Los Angeles County), and points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Montana, North Carolina, Ohio, Pennsylvania, Texas, Virginia, and Wisconsin, under a continuing contract or contracts with Mattel, Inc., at Hawthorne, Calif.

NOTE.—Applicant holds common carrier authority in MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 134734 (Sub-No. 28), filed March 22, 1976. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L St., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: L. N. Fauss, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except in bulk, in tank vehicles) *and returned shipments, materials, supplies and equipment* utilized in the manufacture, sale and distribution of meats and meat by-products, between the plantsite of Cornland Dressed Beef, Inc. located at Lexington, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Chicago and Rockford, Ill., Kansas, Kentucky, Louisiana, Maine, Mississippi, North Dakota, New Hampshire, Oklahoma, South Dakota, Texas, and Vermont, restricted to traffic originating and destined to the named points, under a continuing contract, or contracts with Cornland Dressed Beef, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 134755 (Sub-No. 71), filed March 29, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration; and *agricultural commodities*, the transportation of which is partially exempt under Section 203 (b)(6) of the Interstate Commerce Act, when transported in mixed loads with foodstuffs, (1) between Blue Eye, Mo., on the one hand, and, on the other, points in California; and (2) between Blue Eye, Mo. on the one hand, and, on the other, points in Massachusetts.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 134755 (Sub-No. 72), filed March 29, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, chinaware, earthenware, porcelainware, stoneware, plastic bowls, cups, dishes, and plates*, from Lake City and Jeannette, Pa., and Sebring, Ohio, to points in the United States (except Missouri), on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) *glassware, chinaware, porcelainware, stoneware, plastic bowls, cups, dishes, and plates*, from Lake City and Jeannette, Pa., and Sebring, Ohio, to points in Missouri.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Kansas City, Mo.

No. MC 134910 (Sub-No. 10), filed March 26, 1976. Applicant: CALLIS TRUCKING, INC., Clay and Market Streets, Centerton, Ind. 46116. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural clay tile and related clay products*, (1) from Clay County, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin, under a continuing contract, or contracts with Arketex Ceramic Corporation; (2) from points in Madison County, Ala., Cloud County, Kans., Jefferson County, Ky., Noxubee County, Miss., Sullivan, Hamilton, and Washington Counties, Tenn., Smyth and Tazewell Counties, Va., and Richmond, Va., to Lansing, Ill., under a continuing contract or contracts with Lorenz & Sons, Inc.; (3) from points in Richmond County, Ga., Grundy County, Ill., Dallas and Woodbury Counties, Iowa, Cloud County, Kans., Boyd County, Ky., Jefferson County, Nebr., Cleveland, Davidson, Forsyth, Harnett, and Orange Counties, N.C., Adams, Armstrong, Chester, and York Counties, Pa., Horry, Marlboro, and Richland Counties, S.C., Hamilton, Jefferson, Sullivan, and Washington Counties, Tenn., Brunswick, Prince William, Smyth, and Tazewell Counties, Va. and Kanawha County, W. Va., to points in Indiana, under a continuing contract, or contracts with Architectural Brick Sales, Inc.; and (4) from points in Carter, Hamilton, Knox, Sullivan, Warren, Washington, and White Counties, Tenn., Rockbridge, Smyth, and Tazewell Counties, Va. and Jefferson County, Ky., to points in Indiana, under a continuing contract, or contracts with General Shale Products, Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 135732 (Sub-No. 18), filed March 25, 1976. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove St., P.O. Box 503, Elizabeth, NJ. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shellacs, varnishes, paints, paint products, materials, equipment, and supplies* used or useful in the manufacture and sale of paints (except commodities in bulk) in mechanical refrigerated equipment, between the facilities of Frisch Paint Co. located at Paterson, N.J., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin, restricted to shipments originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136168 (Sub-No. 8), filed March 29, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from the plantsite and warehouse facilities utilized by Wilson

& Co., Ins., at Albert Lea, Minn., to points in Alabama, Louisiana, and Mississippi; and (b) from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Cherokee and Des Moines, Iowa; Monmouth, Ill.; and Oklahoma City, Okla., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) *returned shipments, and materials, supplies and equipment,* utilized in the manufacture, sale and distribution of the commodities specified in (1) above, from the destination points, to the named origins in (1) (a) and (b) above (restricted against the transportation of hides, commodities in bulk or those requiring special equipment), and restricted (1) to a transportation service to be performed under a continuing contract with Wilson & Co., Inc., and (2) to traffic originating or terminating at the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn.; Cedar Rapids, Cherokee and Des Moines, Iowa; Monmouth, Ill., and Oklahoma City, Okla.

NOTE.—Applicant holds common carrier authority in MC 141641 Sub 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Oklahoma City, Okla.

No. MC 136228 (Sub-No. 18), filed March 29, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fresh hanging meat,* from Spokane, Wash., to Eureka, San Jose, San Francisco, San Leandro, and Los Angeles, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136531 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 136464 (Sub-No. 19), filed March 30, 1976. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Textiles and textile products, and materials and supplies,* used in the manufacture and sale of textiles and textile products, between the facilities of J. P. Stevens & Co., Inc., in Alabama, Georgia, North Carolina, and South Carolina, on the one hand, and, on the other, points in California, restricted to transportation services performed under a continuing contract or contracts with J. P. Stevens & Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Greensboro or Charlotte, N.C.

No. MC 138157 (Sub-No. 25), filed March 31, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as: SOUTHWEST MOTOR FREIGHT, 4284 Mission Blvd., Pomona, Calif. 91769. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and pulpboard and fiberboard products,* (1) from points in Fulton and Cobb Counties, Ga., to points in California; and (2) from Buena Park, Calif., to Dallas, Tex. and points in Fulton and Cobb Counties, Ga.

NOTE.—Applicant holds contract carrier authority in No. MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138274 (Sub-No. 28), filed March 23, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, ingredients and supplements and materials and supplies,* used in the manufacture of animal and poultry feeds, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Oregon, Washington and Arizona.

NOTE.—Applicant holds contract carrier authority in MC 138056 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 139468 (Sub-No. 14), filed March 25, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract* carrier, by motor vehicle, over irregular routes, transporting: *Coated steel,* used in the manufacture of pre-engineered building panels, from Greenfield and Kingsbury, Ind., to Houston, Tex., and La Grange, Ga., restricted to transportation under a continuing contract or contracts with National Steel Products Company, Inc., and to traffic destined to the plantsites and storage facilities of National Steel Products Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 139468 (Sub-No. 15), filed March 30, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber products,* from points in California, Colorado, Idaho, Montana, Oregon, Washington, and Wyoming, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, under a continuing contract, or contracts with Metropolitan Lumber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 139468 (Sub-No. 16), filed March 25, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from Kooskia and Princeton, Idaho, and Clarkston, Wash., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, restricted to transportation service to be performed under a continuing contract or contracts with Guy Bennett Lumber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 139495 (Sub-No. 135), filed March 29, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans., 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aquarium and aquarium supplies,* from the facilities of O'Dell Manufacturing, Inc. located at or near Saginaw, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139658 (Sub-No. 9), filed March 26, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Ste. 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* in bulk, in dump trucks, between points in Jefferson, Blount, Etowah, Saint Clair, Cherokee, and DeKalt Counties, Ala., on the one hand, and, on the other, points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139737 (Sub-No. 3), filed February 25, 1976. Applicant: MADEWELL METALS, INC., 301 East Shawnee, Muskogee, Okla. 74401. Applicant's representative: Robert E. Jensen, 1130

17th St. NW., Washington, D.C. 20036. Authority soughtt o operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead, lead alloy, lead oxide, and lead by-products* in bulk and ingot form, from Schuylkill Metals Corporation, located at Baton Rouge, La., to Newport, and Lonoke, Ark., Orlando, Plant City, and Tampa, Fla.; Atlanta and Conyers, Ga.; Attica and Indianapolis, Ind.; Louisville, Ky.; Shreveport, La.; Kansas City, Mo., and Canon Hollow, Mo. (located to the northwest of St. Joseph, Mo., near Oregon, Forest City, and Mound City, Mo.); Memphis, Tenn.; Beaumont, Dallas, Houston, San Antonio, Terrell, and Garland, Tex.; Richmond, Va.; New York City, and Brooklyn, N.Y.; East Alton, Ill. (located near East St. Louis just over the Missouri State line); Pomona, Signal Hill, Santa Ana, Antioch, Calif. and City of Industry and City of Commerce, Calif. (located near Los Angeles in Los Angeles County), under a continuing contract or contracts, with Schuylkill Metals Corporation, located at Baton Rouge, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., Baton Rouge, La., or Washington, D.C.

No. MC 139865 (Sub-No. 1), filed February 27, 1976. Applicant: GILLES GARIEPY, doing business as MERIDIAN YACHT SALES REG'D, 375 Taillon, Montreal, 430, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St.-James Street West, Montreal, Quebec, Canada H2Y 1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between Ports of Entry on the International Boundary line between the United States and Canada located in Maine, Michigan, New Hampshire, New York, and Vermont, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic having an immediate prior movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany or Plattsburg, N.Y.

No. MC 140361 (Sub-No. 4), filed March 22, 1976. Aplicant: COLUMBUS PARCEL SERVICE, INC., 1009 Joyce Avenue, Columbus, Ohio 43219. Applicant's representative: James Duvall, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 200 pounds in weight, moving as shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, (1) between points in Ohio, (2) between points in Ohio on the one hand, and, on the other, points in Dearborn, Franklin, Randolph, Union, and Wayne Counties, Ind.; Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wetzel, and Wood Counties, W. Va., and (3) between points in Dearborn, Franklin, Randolph, Union, and Wayne Counties, Ind.; Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; Brooke, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Tyler, Wayne, Wetzel, and Wood Counties, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 140612 (Sub-No. 7), filed March 26, 1976. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2011, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, 521 S. 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee*, roasted and instant, from San Francisco, Calif., to points in Arizona, Colorado, New Mexico, Oregon, Texas, Utah, and Washingon.

NOTE.—Applicant holds contract carrier authority in MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or San Francisco, Calif.

No. MC 140743 (Sub-No. 9), filed March 29, 1976. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, (1) from the ports of entry on the International Boundary line between the United States and Canada, located in Michigan, Montana, New York, and North Dakota, to Cincinnati, Ohio; and (2) from Frankfort and Louisville, Ky., to ports of entry on the International Boundary line between the United States and Canada, located in Michigan, Montana, New York, and North Dakota.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Cincinnati, Ohio; or Detroit, Mich.

No. MC 140983 (Sub-No. 1), filed March 24, 1976. Applicant: VINCENT JACOBO, SR., doing business as VINSON'S TRANSPORTATION, 14419 Farlington Street, Baldwin Park, Calif. 91706. Applicant's representative: Vincent Jacobo, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Highway road markers, and materials and supplies*, in the manufacture thereof, between the plantsites and warehouse facilities of Highway Ceramics, Inc., at points in Arizona, California, Nevada, and Oregon, under contract with Highway Ceramics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 141071 (Sub-No. 4), filed March 24, 1976. Applicant: LARANETA TRUCKING COMPANY, INC., 870 West 9th Street, San Pedro, Calif. 90731. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, supplies, and ingredients*, used in the production, packaging, processing, or distribution of frozen foods, (a) from points in California, Oregon, and Washington, to Burley, Idaho; and (b) from points in California and Washington, to Ontario, Oreg.; and (2) *frozen foods*, from Ontario, Oreg., and points in Idaho to Las Vegas, Nev., and points in California, restricted against the transportation of commodities in bulk and those which by reason of size and weight require special equipment, under a continuing contract, or contracts, with Ore-Ida Foods, Inc., located in Boise, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141520 (Sub-No. 2), filed March 15, 1976. Applicant: INTER-CITY EXPRESS, INC., 1746 East Adams Street, Jacksonville, Fla. 32206. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, motor vehicles, and commodities requiring special handling or rigging), in containers, and *containers*, between points in Jacksonville, Fla. Commercial Zone, including Jacksonville, Fla. (except Yulee, and Fernandina Beach, Fla.), restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 141726 (Sub-No. 5), filed March 25, 1976. Applicant: NATIONAL DISTRIBUTORS, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, 3426 N. Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale food business houses or institutional suppliers (except in bulk), from points in Contra Costa County, Calif., to points on and east of the western boundaries of Arkansas, Iowa, Louisiana, Minnesota, and Missouri, restricted to the transportation of shipments under a continuing contract or contracts with Nugget Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 141758, filed January 28, 1976. Applicant: LYDALL EXPRESS, INC., 615

Parker Street, Manchester, Conn. 06040. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, (1)(a) from the plantsite of Colonial Fiber Company located in Manchester, Conn., to Lynchburg, Va., Barboursville, W. Va., and points in Illinois, Indiana, Maine, Masschusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin, and (b) from ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt., Rouses Points and Niagara Falls, N.Y., and Detroit, Mich., to points in Monteal, St. Leonard in Montreal, Quebec, Ville De Vanier in Quebec, and Laval in Quebec, in the province of Quebec, Canada and to points Kitchener and Tillsonburg in the Province of Ontario, Canada, and on return; *products, materials, and machinery* used in the manufacture of paper and paper products, from the above mentioned destinations to the plantsite of Colonial Fiber Company in Manchester, Conn., restricted to traffic at the above named plantsite; (2)(a) from the plantsite of Colonial Fiber Company in Bar Mills, Maine to Lynchburg, Va., and points in Connecticut, Indiana, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Tennessee.

(2)(b) From ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt., Rouses Point and Niagara Falls, N.Y., and Detroit, Mich., to points in Montreal and St. Leonard in Montreal in the Province of Quebec, Canada and points in Kitchener in the Province of Ontario, Canada, and on return, products, materials and machinery used in the manufacture of paper and paper products from the above mentioned destinations to the plantsite of Colonial Fiber Company located in Bar Mills, Maine, restricted to traffic at the above named plantsite; (3)(a) from the plantsite of Colonial Fiber Company in Covington, Tenn., to Lynchburg, Ga., and points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, and Wisconsin, and (3)(b) from ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt., Rouses Point and Niagara Falls, N.Y., and Detroit, Mich., to points in Montreal and Ville De Vanier in Quebec in the Province of Quebec, Canada and points in Kitchener, Tillsonburg and Waterloo in the Province of Ontario, Canada, and on return *products, materials, and machinery* used in manufacture of paper and paper products from the above-mentioned destinations to the plantsite of Colonial Fiber Company in Covington, Tenn., restricted to traffic at the above-named plantsite; and (4) from the plantsite of Colonial Fiber Company in Rochester, N.H. to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, and on return products, materials and machinery used in the manufacture of paper and paper products from the above-mentioned destinations to the plantsite of Colonial Fiber Company in Rochester, N.H., restricted to the traffic at the above-named plantsite, under a continuing contract or contracts, with Colonial Fiber Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 141787 (Sub-No. 2), filed March 23, 1976. Applicant: J. D. STRICKLAND, 141 South Indio Street, Portales, N. Mex. 88130. Applicant's representative: Daniel F. Rogers, 1820 Paseo de La Conquisfadora, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and solid milk products, packaged, salads, empty new milk containers, empty new cheese containers, empty new plastic liquid containers, wire cases* used in the storage, handling, or transportation of dairy products, plastic and paper products, and plastic or paper trays used in the packaging, preparation, or production of dairy products for retail sale, and gelatin products, between Garland, Tex., Bastrop, La., Huron, Ohio, El Paso, Tex., Oklahoma City, Okla., Kansas City, Kans., and Clovis, and Portales, N. Mex., under a continuing contract, or contracts, with Safeway Foods, Inc.—Milk Department.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Clovis or Santa Fe, N. Mex.

No. MC 141799 (Correction), filed February 2, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, and republished as corrected this issue. Applicant: BILL'S REFRIGERATED DELIVERY SERVICE, INC., 1100 East Parkway South, P.O. Box 14464, Memphis, Tenn. 38114. Applicant's representative: J. R. Philyaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packing houses, and dairy products* as described in Sections A, B, and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk and tank vehicles), and *foods, foodstuffs, and food ingredients*, in vehicles equipped with mechanical refrigeration, between points in Fayette, Shelby, and Tipton Counties, Tenn., to points in DeSoto, Marshall, Tate, and Tunica Counties, Miss., and points in Crittenden County, Ark., restricted against tacking or interlining.

NOTE.—The purpose of this correction is to add the restriction as indicated. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 141895, filed March 23, 1976. Applicant: K. WILLIAMS TRUCKING LTD., 825 Avenue L South, Saskatoon, Saskatchewan, Canada S7M 2J1. Applicant's representative: W. B. Purdy, 1150 Avord Tower, 606 Spadina Crescent East, Saskatoon, Saskatchewan, Canada S7k 3H1. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat and packinghouse products, processed peat moss fibre products and paper fruit and egg trays*, from ports of entry on the International Boundary line between the United States and Canada, located at or near port of Morgan, Sweetgrass, and Raymond, Mont., to points in Arizona, California, Idaho, New Mexico, Oregon, Texas, and Washington, restricted against traffic originating at Prince Albert, Saskatoon, Regina, and Tisdale, all in the Province of Saskatchewan, Canada, under a continuing contract or contracts with Intercontinental Packers Limited and Fibre Form Industries Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 141925 (Sub-No. 1), filed March 25, 1976. Applicant: KOHN BEVERAGE, INC., doing business as KOHN TRANSPORT, 4850 Southway SW., Canton, Ohio 44706. Applicant's representative: A. Charles Tell, 100 East Broad St., Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, except in bulk, from Detroit, Mich., to East Liverpool, Mingo Junction, and Zanesville, Ohio, under a continuing contract, or contracts with C. M. Bellas, doing business as Iron City Distributing Company and People's Beverage.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141942, filed March 25, 1976. Applicant: JMF, INC., 318 Highland Drive, St. Maries, Idaho 83861. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from St. Maries, Idaho, to Lewiston, Idaho, and points in Whitman County, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash. or Lewiston, Idaho.

No. MC 141951, filed March 25, 1976. Applicant: MARY DICK AND HOLLIS A. DICK, a Partnership, doing business as H. O. DICK TRANSFER CO., Bethany, Ill. 61914. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends* containing corn products, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company located at or near Lafayette, Ind., to points in the

United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 125123 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 211), filed March 12, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers (A) Regular routes: Between Buffalo, N.Y., and the boundary of the United States and Canada, serving the intermediate point of Niagara Falls, N.Y.: From Buffalo, N.Y., over Interstate Highway 190 to the boundary of the United States and Canada and return over the same route; *passengers and their baggage*, in one-way and round-trip charter operations (B) Irregular routes: From Niagara Falls, N.Y., to points in the United States (including Alaska, but excluding Hawaii), and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 1515 (Sub-No. 213), filed March 22, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, between the junction of relocated U.S. Highway 61 and U.S. Highway 82 east of Leland, Miss., and Hollandale, Miss., serving all intermediate points: From the junction of relocated U.S. Highway 61 and U.S. Highway 82 over relocated U.S. Highway 61 to Hollandale, Miss., and return over the same route. Abandonment: Applicant additionally proposes to abandon that portion of its present authority between Leland, Miss. and Hollandale, Miss., over (former) U.S. Highway 61 as authorized in MC 1501 Sub 25 (to be reissued as MC 1515 Sub 8).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 116212 (Sub-No. 8), filed March 16, 1976. Applicant: EYRE's BUS SERVICE, INC., 15910 Union Chapel Road, Woodbine, Md. 21797. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Montgomery County, Md., on, east and north of a line extending from the junction Maryland Highway 28 and the Montgomery-Frederick County line, along Maryland Highway 28 to junction Maryland Highway 112, thence along Maryland Highway 112 to junction Maryland Highway 124, thence along Maryland Highway 124 to Gaithersburg, Md., thence along Maryland Highway 114 through Goshen, Md. to junction Maryland Highway 420, thence along Maryland Highway 420 through Laytonsville, Md. to Unity, Md., thence along Maryland Highway 106 through Sunshine, Md., to Brighton, Md., thence along unnumbered County Highway (Brighton Dam Road) to the Montgomery-Howard County line; points in Howard County, Md. on, north and west of a line extending from the junction Maryland Highway 108 and the Howard-Montgomery County line, thence along Maryland Highway 108 to junction Maryland Highway 32, thence along Maryland Highway 32 to its junction with the Howard-Carroll County line, at or near Sykesville, and Columbia and Scaggsville, Md.; and points in Carroll County, Md., on and south of Maryland State Highway 26, and extending to points in the United States (including Alaska but excluding Hawaii), and return.

NOTE.—Applicant holds contract carrier authority in MC 134929 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Frederick, Md.

No. MC 117324 (Sub-No. 6), filed March 26, 1976. Applicant: FORT DODGE TRANSPORTATION COMPANY, a Corporation, P.O. Box 901, East Highway 20, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, moving in the same vehicle with passengers*, Between Humboldt, and Hampton, Iowa, serving all intermediate points: From Humboldt, over Iowa Highway 3 to intersection Iowa Highway 302, thence over Iowa Highway 302 to Thor, Iowa, thence return over Iowa Highway 302 to intersection Iowa Highway 3, thence over Iowa Highway 3 to intersection Iowa Highway 17, thence over Iowa Highway 17 to Eagle Grove, Iowa, thence return over Iowa Highway 17 to intersection Iowa Highway 3, thence over Iowa Highway 3 to Hampton, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Des Moines, Iowa.

No. MC 141589 (Sub-No. 2), filed February 25, 1976. Applicant: AMERICAN COACH LINES, INC., 486 Fairmont Drive, P.O. Box 646, Norcross, Ga. 30071. Applicant's representative: Robert E. Born, 1447 Peachtree Street NE., Suite 400, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting:

(1) Regular routes: *Passengers and their baggage, express, mail, and newspapers*, including special and charter operations, between Norcross and Atlanta, Ga., and Asheville, North Carolina: From Norcross, Ga., over U.S. Highway 23 to Atlanta, Ga., thence over U.S. Highway 29 to Winder, Ga., thence over Georgia State Highway 11 to Jefferson, Ga., thence over Georgia State Highway 15 to the Georgia-North Carolina State line, thence over U.S. Highway 441 and U.S. Highway 23 to Asheville, N.C., and return over the same route, serving all intermediate points and serving points in Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Jackson, Banks, Habersham, and Rabun Counties, Ga. and Macon, Jackson, Haywood and Buncombe Counties, N.C. as off-route points, and (2) Irregular routes: *Passengers and their baggage*, in special and charter operations, in round-trip movements, beginning and ending at points in Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Jackson, Banks, Habersham, and Rabun Counties, Ga., and Macon, Jackson, Haywood, and Buncombe Counties, N.C., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

BROKER APPLICATIONS

No. MC 130199 (Sub-No. 1), filed March 8, 1976. Applicant: GADABOUT TOURS, INC., doing business as ANDERSON TRAVEL SERVICE, 600 E. Tahquitz Plaza, Suite G, Palm Springs, Calif. 92262. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Hemet, Palm Desert, Palm Springs, Riverside, San Diego, and Yucaipa, Calif., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, in all expense round trip tours, by motor carriers, (A) beginning and ending at points in Maricopa, Pima, Pinal, and Yuma, Counties, Ariz., points in Alameda, Contra Costa, Fresno, Marin, Sacramento, San Diego, San Francisco, and San Mateo Counties, Calif., and extending to points in the United States, including Alaska and Hawaii; and (B) beginning and ending at points in Imperial, Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties, Calif., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Bernardino or Los Angeles, Calif.

No. MC 130369, filed March 4, 1976. Applicant: ACCENT ON TRAVEL INC., doing business as AMERICAN TRAVEL HOSTS, 1415 South La Cienega Blvd., Los Angeles, Calif. 90035. Applicant's representative: Nathan L. Safran (same

address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Los Angeles, Calif., to sell or offer to sell the transportation of *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations, sightseeing and pleasure, round trip or one way tours, by motor common carrier, between Los Angeles, San Francisco, and San Diego, Calif. and points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, San Diego, San Francisco, or any appropriate place within California.

WATER APPLICATION

No. W–1302, filed February 17, 1976. Applicant: AMERICAN TUG, INC., P.O. Box 568, Harvey, La. 70058. Applicant's representative: Max Zelden, 1051 First National Bank of Commerce Bldg., New Orleans, La. 70112. Authority sought to engage in operation, in interstate or foreign commerce as a *contract carrier by water* in the transportation of *General commodities*, by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage, and the movement of Lash and Sea Bee barges, between ports along the Gulf of Mexico and Morgan City, La. and Fort Myers, Fla., including all points within this area of the Gulf in both directions, and all ports within this area without exclusion and portions of the Pearl River and Apalachicola River and all their tributaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

FINANCE APPLICATIONS

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240 (d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC–F–12813. Authority sought for purchase by DE–PEN LINE, INC., P.O. Box 486, Hollow Road, R.F.D. #1, Phoenixville, PA., of a portion of the operating rights of L J P TRUCK LINES, INC., 91 Moultrie Street, Brooklyn, N.Y., and for acquisition by WILLIAM J. FORD, also of the Phoenixville, PA. 19460 address, of control of such rights through the purchase. Applicants attorneys: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005, and John R. Remis, 86 Riviera Drive South, Massapequa, N.Y. 11758. Operating rights sought to be transferred: *General Commodities*, except those of unusual value, Classes A and B Explosives, Livestock, household goods and defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier* over irregular routes between Elizabeth, N.J. on the one hand, and, on the other, points in that part of Pennsylvania on and East of Pennsylvania Highway 309, restriction: Service at Elizabeth, N.J. is restricted to the Transportation of Traffic having an immediately prior or subsequent movement from or to a point beyond Elizabeth. Vendee is authorized to operate as a *common carrier* in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12814. Authority sought for purchase by E & L TRUCKING CO., 117 Webster St., Pawtucket, R.I. 02861, of the operating rights of GRAND TRANSPORTATION COMPANY, 280 Pine Street, Pawtucket, R.I. 02860, and for acquisition by LEO A. BESSETTE, JR., 15 Gardner St., Pawtucket, R.I. 02861, ROBERT D. BESSETTE, 109 Cameron St., Pawtucket, R.I. 02861, and EVELYN M. KAVENY, 7 Westbrook Way, Cumberland, R.I. 02860, and of control of such rights through the purchase. Applicants' attorney: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell St., Peabody 01960. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120986 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Massachusetts and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC–59501 (Sub-No. 3) is a directly related matter.

MC–F–12815. Authority sought for purchase by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA. 19050, of a portion of the operating rights of MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, PA. 18001, RLC CORP., One Rollins Plaza, Wilmington, Delaware 19803, and of control of such rights through the purchase. Applicants' attorneys: Allen H. Knouft, 10 West Baltimore Ave., Lansdowne, PA. 19050, and Harry C. Ames, Jr., 666 Eleventh St. NW., Washington, D.C. 20001. Operating rights sought to be transferred: *Dry cement*, as a *common carrier* over irregular routes from the plant site of Universal-Atlas Cement Division, United States Steel Corporation, at Northampton, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized; *Pulverized limestone*, in bulk, from the plant site of Eastern Industries, Inc., at Kutztown in Berks County, Pa., to New York, N.Y., and points in Nassau, Westchester, and Suffolk Counties, N.Y., and New Jersey; *dry cement*, in bulk, in tank vehicles, from Northampton, Pa., to Marietta, Ohio. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii), including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12816. Authority sought for control and merger by PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston MD. 21655, of the operating rights and property of SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, IN. 46624, and for acquisition by A. T. BLADES, THEODORE E. FLETCHER, JR., C. S. LOMAX, and A FLETCHER SISK, JR., all of the Preston, MD. 21655 address, and WILIAM C. HILL, c/o Pargas, Inc., P.O. Box 67, Waldorf, MD. 20601, M. G. PEIRCE, Rt. #1, Easton, MD. 21601, and WILLIAM B. POTTER, c/o Mercantile-Safe Deposit & Trust Co., 2 Hopkins Plaza, Baltimore, MD. 21202, of control of such rights and property through the transaction. Applicants' attorneys: William J. Little and J. M. Dryden Hall, Jr., 1110 W. R. Grace Bldg., 10 E. Baltimore Street, Baltimore, MD. 21202, and G Burt Ford. 1800 American National Bank Bldg., South Bend, Indiana 46601. Operating rights sought to be controlled and merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Indiana, Ohio, Illinois, Michigan, Delaware, Missouri, Iowa, New York, Pennsylvania, with certain restrictions, serving various intermediate and off-route points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC–72140 and Sub numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Missouri, Michigan, New Jersey, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12817. Authority sought for purchase by TRIANGLE TRUCKING

COMPANY, Building 1-A, Nichol Avenue, McKees Rocks, PA. 15136, of a portion of the operating rights of AUGIE PASSIEU TRUCKING, INC., Box 53, Cecil, PA. 15321, and for acquisition by JOHN F. BRANDT, of the McKees Rocks, PA. 15136 address, of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 2310 Grant Building, Pittsburgh, PA. 15219, and A. Charles Tell, 100 East Broad Street, Columbus, OH. 43215. Operating rights sought to be transferred: *Roof deck*, as a *contract carrier* over irregular routes from Heidelberg, Pa., to points in Indiana and Illinois, from Heidelberg, Pa., to points in Michigan, Kentucky, New York, New Jersey, and Ohio (except those within 15 miles of Burgettstown, Pa.); from Heidelberg, Pa., to points in Maryland, Tennessee, Wisconsin, and Ohio, with no transportation for compensation on return except as otherwise authorized; *materials* used in the manufacturing of roof deck, from points in Michigan, Kentucky, New York, New Jersey, and Ohio (except those within 15 miles of Burgettstown, Pa.), to Heidelberg, Pa.; *Metal siding*, from Emsworth, Pa., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Tennessee, and Wisconsin, with no transportation for compensation on return except as otherwise authorized; *materials, equipment, and supplies* used in the manufacture of metal siding, from points in Ohio to Emsworth, Pa., with restrictions. Vendee is authorized to operate as a *contract carrier* in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

Notice

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interests in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 22229 (Sub-No. 108), filed March 25, 1976. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Boston, Mass., and the Massachusetts-New York State Line over U.S. Highway 20, serving all intermediate points in Massachusetts, and serving all other points in Massachusetts as off-route points; and (2) serving Pittsfield, Mass., as an intermediate point in connection with carrier's otherwise authorized regular route operations between Buffalo, N.Y., and Boston, Mass.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12802 published in the FEDERAL REGISTER issue of April 8, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass. or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 111383 (Deviation No. 45), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed April 20, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over Oklahoma Highway 51 to junction Muskogee Turnpike, thence over Muskogee Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 59, thence over U.S. Highways 59 and 259 to Houston, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 75 to Houston, Tex., and return over the same route.

No. MC 112713 (Deviation No. 36), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed April 20, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gallipolis, Ohio, over Ohio Highway 160 to junction U.S. Highway 35, thence over U.S. Highway 35 to Chillicothe, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Gallipolis, Ohio, over Ohio Highway 7 to junction U.S. Highway 50, thence over U.S. Highway 50 to Chillicothe, Ohio, and return over the same route.

No. MC 33641 (Deviation No. 110), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 30277, Salt Lake City, Utah 84125, filed April 13, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 92 and Interstate Highway 80 east of Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, Ind., thence over Interstate Highway 70 to junction U.S. Highway 25 (Interstate Highway 75) near Vandalia, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 near Oswego, Ill., thence over U.S. Highway 34 via Earlville, Ill., to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., (2) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30 thence over U.S. Highway 30 to junction U.S. Highway 30S (formerly portion U.S. Highway 30), thence over U.S. Highway 30S to Lima, Ohio.

(3) From Lima, Ohio, over unnumbered highway (formerly portion U.S. Highway 25) to Wapakoneta, Ohio, thence over U.S. Highway 25 to Piqua, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 25) to junction U.S. Highway 25, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same routes. Restriction: The operations authorized in (2) above are subject to the following conditions:

Service at Toledo, Ohio and points within its Commercial Zone as defined

by the Commission is restricted against traffic originating at, destined to, or interlined at any point located on the routes described above.

No service may be performed between points in Michigan, on the one hand, and, on the other, points in Michigan, Indiana, Illinois and Ohio, except service at Chicago, Ill., and points within its Commercial Zone as defined by the Commission for joinder only.

No service may be performed on traffic originating or interchanged at Chicago, Ill., and points within its Commercial Zone as defined by the Commission, destined to or interchanged at Cincinnati, Ohio and points within its Commercial Zone as defined by the Commission, and no service may be performed on traffic originating or interchanged at Cincinnati, Ohio, and points within its Commercial Zone as defined by the Commission, destined to or interchanged at Chicago, Ill., and points within its Commercial Zone as defined by the Commission.

Service at the intermediate points on U.S. Highways 52 and 41 between Cincinnati, Ohio and Chicago, Ill., is restricted to traffic moving to or from Chicago or Cincinnati, and points within their respective Commercial Zones as defined by the Commission for joinder only.

No service may be performed on traffic originating or interchanged at Chicago, Ill., and its Commercial Zone as defined by the Commission, destined to or interchanged at Lima, Ohio and points within its Commercial Zone as defined by the Commission, and no service may be performed on traffic originating or interchanged at Lima, Ohio and points within its Commercial Zone as defined by the Commission, destined to or interchanged at Chicago, Ill., and points within its Commercial Zone as defined by the Commission.

Service at the intermediate points on U.S. Highways 41, 30 and 30S between Lima, Ohio, and Chicago, Ill., is restricted to traffic moving to or from Lima or Chicago and points within their respective Commercial Zones as defined by the Commission, for joinder only.

Service at points on the routes described above is restricted to traffic which originates at or is destined to points east of Ohio or west of Illinois.

No. MC 989 (Deviation No. 6), IDEAL TRUCK LINES, INC., 418 E. Holme, Norton, Kans. 67654, filed March 26, 1976. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 76 to junction Interstate Highway 80 (near Big Springs, Nebr.) thence over Interstate Highway 80 to North Platte, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 36 to Oberlin, Kans., thence over U.S. Highway 83 to North Platte, Nebr., and return over the same route.

No. MC 22229 (Deviation No. 22), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316, filed March 30, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over U.S. Highway 411 to junction U.S. Highway 129 south of Maryville, Tenn., thence over U.S. Highway 129 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, Ohio and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cartersville, Ga., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, and return over the same route.

No. MC 42487 (Deviation No. 109), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, P.O. Box 5138, Chicago, Ill. 60680, filed April 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Ill., over Interstate Highway 55 to Memphis, Tenn., thence over Interstate Highway 240 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction Alternate U.S. Highway 72 (near Tuscumbia, Ala.), thence over Alternate U.S. Highway 72 to junction U.S. Highway 31 (at Decatur, Ala.), thence over U.S. Highway 31 to junction Alabama Highway 67 (near Decatur, Ala.), thence over Alabama Highway 67 to junction U.S. Highway 231 (near Brooksville, Ala.), thence over U.S. Highway 231 to junction U.S. Highway 278, thence over U.S. Highway 278 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Springfield, Ill., over U.S. Highway 36 to Indianapolis, Ind., thence over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25–W to Knoxville, Tenn., thence over U.S. Highway 11 via Cleveland, Tenn., to Chattanooga, Tenn., thence over U.S. Highway 41 via Dalton, Ga., to Atlanta, Ga., and return over the same route.

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56360 filed March 26, 1976. Applicant: KELLER'S FREIGHT LINE, 2270 McKinnon Avenue, San Francisco, Calif. 94124. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (1) Between all points and places in the San Francisco—East Bay Cartage Zone as described in Appendix B attached hereto, (2) Between all points and places on and within 10 miles of the following routes: (a) U.S. Highway 101 between Cloverdale and Salinas, inclusive. (b) U.S. Highway 17 between San Rafael and Santa Cruz, inclusive. (c) U.S. Highway 80 between San Francisco and Auburn, inclusive. (d) U.S. Highway 580 between San Lorenzo and junction Interstate Highway 5, inclusiv. (e) Interstate Highway 205 between Manteca and junction with Interstate Highway 580, inclusive. (f) State Highway 12 between Santa Rosa and Lodi, inclusive. (g) State Highway 4 between Pinole and junction with State Highway 160, inclusive. (h) State Highway 160 between junction with State Highway 4 and Rio Vista, inclusive. (i) State Highway 24 between Oakland and junction with State Highway 4, inclusive. (j) State Highway 680 between Vallejo and Warm Springs, inclusive. (k) State Highway 29 between Vallejo and junction with State Highway 128, inclusive. (l) State Highway 128 between junction with State Highway 29 and Geyersville, inclusive. (m) Interstate Highway 99 between Sacramento and Modesto, inclusive. (n) Interstate Highway 5 between Woodland and Sacramento, inclusive. (o) Interstate Highway 5 between Stockton and Manteca, inclusive. (p) State Highway 50 between Sacramento and Placerville, in-

clusive. (q) Interstate Highway 505 between Vacaville and Winters, inclusive. (r) State Highway 120 between Manteca and Oakdale, inclusive. (s) State Highway 1 between San Francisco and Carmel, inclusive. (t) State Highway 156 between Castroville and Hollister, inclusive; and (u) State Highway 68 between State Highway 1 and Salinas, inclusive.

In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Applicant shall not transport any shipments of (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4–B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis. (3) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (4) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (8) Logs; and (9) Articles of extraordinary value.

SAN FRANCISCO-EAST BAY CARTAGE ZONE includes the area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said So. Mayfair Avenue to Crestwood Drive; thence southerly along Crestwod Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U.S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek or Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9.

Thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street, to Center Street; thence northerly along Center Street to Castro Balley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland, thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line; thence northwesterly along last said Line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

California Docket No. A 56394, filed April 8, 1976. Applicant: NANCY S. LYONS, doing business as LYONS' ROARING EXPRESS, 1544 San Joaquin Avenue, San Jose, Calif. 95125. Applicant's representative: Philip J. Bovero, 3798 Flora Vista Avenue, Santa Clara, Calif. 95051. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except as hereinafter provided), between all points and places in and within 5 miles of points in the San Francisco Territory, which is described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Polard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Oakland-Berkeley boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue;

northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond; to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning, (except that applicant shall not transport any shipments of.

(1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; (10) dangerous articles; (11) shipments, in vehicles equipped with mechanical refrigeration systems, requiring temperature control service; and (12) commodities of unusual or extraordinary value.) Intrastate, interstate or foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 760280-CCT, filed April 12, 1976. Applicant: TARPON TRANSPORTATION, INC., 3520 Adamo Drive, Tampa, Fla. 33605. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N. W. 87th Avenue, Miami, Fla. 33178. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (excluding household goods as defined by the Commission, articles of unusual value or injurious to other ladings, commodities in bulk and commodities which by reason of size, weight or bulk, require specialized handling and equipment), between points in Charlotte, Collier, Hillsborough, Lee, Manatee, Pasco, Pineallas, Polk and Sarasota Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarder.

NOTE.—Applicant presently holds Interstate Commerce Commission authority in MC 129193. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4777 (Sub-No. 4) filed April 9, 1976. Applicant: AVERITT EXPRESS, INC., P.O. Box 273, Industrial Park, Livingston, Tenn. 38570. Applicant's representative: Robert L. Baker, Suite 618 United American Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, used household goods, commodities in bulk, and articles requiring special equipment), from Knoxville, Tenn. over Interstate Highway 40 to Nashville, Tenn. and return over the same route serving all intermediate points in Putnam County and serving all in Putnam County as off-route points. Said authority to be used in conjunction with all other authority of Averitt Express, Inc. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for July 12, 1976 at 9:30 a.m. (local time), at the Rice Motor Inn, Cookeville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-102, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5487 (Sub-No. 1) filed April 5, 1976. Applicant: WARREN COUNTY FREIGHT LINE, INC., Rt. 3, Arrowhead Drive, McMinnville, Tenn. 37110. Applicant's representative: Val Sanford, P.O. Box 2757, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment), between Chattanooga, Tennessee, and all points and places in Warren County, Tennessee, over the following route: Beginning in Chattanooga over Tennessee Highway 24 to its junction with State Highway 55, and thence over State Highway 55 to Warren County, Tenn., and return over the same route, serving no intermediate points; to be used in conjunction with applicant's existing authority. For operating convenience only, the following alternate routes: (1) Over Tennessee Highway 8 from Chattanooga to Warren County, Tenn., and return over the same route; and (2) From Chattanooga over U.S. Highway 41 to Jasper and thence over Tennessee Highway 150 to Tracy City, thence over Tennessee Highway 56 to Warren County and return over the same route. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for June 21, 1976, at 9:30 a.m., at the Commission's Court Room, Room C1-110, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6511 filed November 12, 1975. Applicant: NOLAN EXPRESS, INC., 618 Hamilton Bank Building, Nashville, Tenn. 37219. Applicant's representative: A. O. Buck (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), (1) between Nashville, Tenn. and Crossville, Tenn.: From Nashville, Tenn. over Interstate Highway 40 to its junction with U.S. Highway 127, thence over U.S. Highway 127 to Crossville, Tenn. and return over the same route, serving no intermediate points (except Lebanon, Tenn. for the purpose of joinder with (2) only); (2) between Lebanon, Tenn. and Crossville, Tenn.: From Lebanon, Tenn. over U.S. Highway 70 to Crossville, Tenn. and return over the same route, serving all intermediate points, but serving Lebanon, Tenn., for the purpose of joinder with (1) only; (3) between Crossville, Tenn. and Chattanooga, Tenn.: From Crossville, Tenn. over U.S. Highway 127 to Chattanooga, Tenn. and return over the same route, serving all intermediate points; (4) between Nashville, Tenn. and Chattanooga, Tenn.: From Nashville, Tenn. over Interstate Highway 24 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with U.S. Highway 41, thence southeast over U.S. Highway 41 to its junction with Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn. and return over the same route, serving no intermediate points; and (5) between Sparta, Tenn. and the junction of Tennessee Highway 8 and U.S. Highway 127: From Sparta, Tenn. over Tennessee Highway 111 to its junction with Tennessee Highway 8, thence over Tennessee Highway 8 to its junction with U.S. Highway 127 and return over the same route, serving all intermediate points.

NOTE.—Applicant proposes to tack at all common points and to use all routes in conjunction with each other. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for May 24, 1976, 9:30 a.m., local time, at the Holiday Inn, Crossville, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-102, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12371 Filed 4-28-76;8:45 am]

[Notice No. 35]

ASSIGNMENT OF HEARINGS

APRIL 26, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear 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 111729 (Sub 543), Purolator Courier Corp. now being assigned June 21, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C

MC 141684, Command Deliverier, Inc., now being assigned September 20, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 133095 (Sub 89), Texas-Continental Express, Inc. now being assigned July 29, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 127974 (Sub 5), P. Liedtka Trucking, Inc. now being assigned July 29, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138297 (Sub 4), Central Florida Coach Lines, Inc. now being assigned July 7, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 116014 (Sub 75), Oliver Trucking Company, Inc. now being assigned July 22, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 135691 (Sub 10), Dallas Carriers Corp. now being assigned July 15, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 106644 Sub 214, Superior Trucking Company, Inc., now assigned May 24, 1976, at Dallas, Tex., is canceled and application dismissed.

No. 34822, Lake Carrier's Association, et al., V. New York Central Railroad, et al., now assigned May 18, 1976, at Washington, D.C., is cancelled and reassigned on June 15, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36282, United States Manufacturing Co., Inc., V. Pacific Intermountain Express Company, Inc., now assigned April 27, 1976, at Washington, D.C., is postponed to July 13, 1976, at The offices of Interstate Commerce Commission, Washington, D.C.

MC 106274 (Sub 24), Raeford Trucking Company now being assigned July 28, 1976, at the Offices of the Interstate Commerce Commission in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12520 Filed 4-28-76;8:45 am]

[Ex Parte No. 241, Exemption No. 10]

CAR SERVICE RULES

Exemption Under Provision of Rule 19

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 398, issued by W. J. Trazise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company. Reporting Marks: ATSF.
Atlanta and Saint Andrews Bay Railway Company. Reporting Marks: ASAB.
Bangor and Aroostook Railroad Company. Reporting Marks: BAR.
Bessemer and Lake Erie Railroad Company. Reporting Marks: BLE.
Chicago, Rock Island and Pacific Railroad Company. Reporting Marks: RI-ROCK.
Chicago, West Pullman & Southern Railroad Company. Reporting Marks: CWP.
The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.
Illinois Terminal Railroad Company. Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company. Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company. Reporting Marks: MKT.
Missouri Pacific Railroad Company. Reporting Marks: CEI-MI-MP-TP.
Southern Railway Company. Reporting Marks: CG-NS-SA-SOU.[1]
St. Louis-San Francisco Railway Company. Reporting Marks: SLSF.

Effective 12:01 a.m., April 15, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 9, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-12521 Filed 4-28-76;8:45 am]

[I.C.C. Order No. 165-A; Rev. S. O. 994]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 165 (The Detroit and Toledo Shore Line Railroad Company), and good cause appearing therefore:

It is ordered, That: I.C.C. Order No. 165 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

[FR Doc.76-12527 Filed 4-28-76;8:45 am]

[1] Addition.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 26, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43151—*Bituminous Coal from and to Various Points on The Chesapeake and Ohio Railway Company.* Filed by The Chesapeake and Ohio Railway Company (No. A-45), for itself. Rates on bituminous coal, in carloads, as described in the application, from The Chesapeake and Ohio Railway Company station at Picard, West Virginia, to various points on The Chesapeake and Ohio Railway Company in tariffs listed below.

Grounds for relief—Rate relationship and carrier competition.

Tariffs—Supplements 30 and 1 to The Chesapeake and Ohio Railway Company's tariffs Nos. 553-R and 569-Q, I.C.C. Nos. 14127 and 14367, respectively. Rates are published to become effective on May 22, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12523 Filed 4-28-76;8:45 am]

[Notice No. 235]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 29, 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 19, 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 pro-

ceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–76300. By order of April 23, 1976, the Motor Carrier Board approved the transfer to Harold G. Sparks, doing business as Interstate Mobilehome Towing, Jacksonville, Florida 32205, of the operating rights set forth in Certificate No. MC 136191, issued June 25, 1973, to Frank H. Marrone, doing business as Ga-Fla Transport, Tallahassee, Florida 32301, authorizing the transportation of trailers designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, from points in Thomas, Grady, and Colquitt Counties, Ga., to points in Leon, Jefferson, Gasden, Franklin, Wakulla, and Taylor Counties, Fla. Felix A. Johnston, Jr., 547 N. Monroe Street, Tallahassee, Fla., 32301, attorney for applicants.

No. MC–FC–76348. By order of April 21, 1976, the Motor Carrier Board approved the transfer to Flying Fur Transport, Inc., Chicago Illinois, of Certificate No. MC 125985 (Sub-No. 19), issued July 7, 1975, to Auto Driveaway Company, a Corporation, Chicago, Illinois, authorizing the transportation of pets, between points in seventeen States. Daniel D. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, attorney for applicants.

No. MC–FC–76367. By order of April 23, 1976 the Motor Carrier Board approved the transfer to Fowler Trucking, Inc., Haynesville, Louisiana, of Certificate No. MC 36959 and Sub 1, issued by the Commission, November 9, 1951 and May 15, 1970, respectively, to Reuben Arris Fowler, doing business as R. A. Fowler, Haynesville, Louisiana, authorizing the transportation of 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, petroleum, petroleum products and by products, and earth drilling machinery and equipment, between points in Arkansas, Louisiana, Mississippi and Texas. Mike Cotten, Clark, Thomas, Winters & Shapiro, 12th Floor Capital, National Bank Building, Austin, Texas 78767, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–12529 Filed 4–28–76;8:45 am]

[Notice No. 236]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) 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.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 1, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76476, filed April 22, 1976. Transferee: PELLISSIER TRUCKING, INC., P.O. Box 192, The Dalles, Oregon 97058. Transferor: KENNETH I. SAUTER, D/B/A SAUTER'S TRUCK SERVICE, P.O. Box 211A (Route 4), The Dalles, Oregon 97058. Applicants' representatives: Russell M. Allen, White, Sutherland, Parks & Allen, 1200 Jackson Tower, Portland, Oregon 97205. Earle V. White, White & Southwell, 2400 S.W. 4th Ave., Portland, Oregon 97205. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 105016 Sub-No. 1, and MC 105016 Sub-No. 6, issued June 29, 1959, and February 12, 1964, as follows: lumber, between lumber mills and railheads in Skamania and Klickitat Counties, Wash., and from points in Skamania and Klickitat Counties, Wash., to points in Columbia, Multinomah, Hood River, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties, Oreg.; and treated poles and pilings and treated lumber, from The Dalles, Oreg., to points in that part of Washington east of the summit of the Cascade Range. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76480 filed March 22, 1976. Transferee: G.T.S. TRANSPORT CO., INC., 120 South Main Street, South Grafton, Mass. 01560. Transferor: ORBIT TRANSPORTATION CO., INC., 219 Stafford Street, Worcester, Mass. 01603. Applicants' representative: Mr. Arthur A. Wentzell, Registered Practitioner, P.O. Box 456, Brookfield, Mass. 01506. Authority sought for purchase by transferee of Certificate of Registration No. MC 120044 (Sub-No. 1) issued December 20, 1963, to transferor, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the interstate authority in Certificate No. 1918 dated February 23, 1960, issued by the Massachusetts Department of Public Utilities.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76481, filed March 24, 1976. Transferee: LONG ISLAND FURNITURE EXPRESS, INC., 110 Allwood Avenue, Central Islip, N.Y. Transferor: G. S. FURNITURE SERVICES, INC., 110 Allwood Avenue, Central Islip, N.Y. Applicant's representative: Freedman, Weisbein, Levy & Novick, Attorneys, 114 Old Country Road, Mineola, N.Y. 11501. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate Nos. MC 116686 Sub 2 and MC 116686 Sub 3, issued July 12, 1968, and April 16, 1975, respectively, as follows: New furniture from Bellmore, N.Y., to points in Bergen, Essex, Hudson, Union, Morris, Passaic, Monmouth, Middlesex and Somerset Counties, N.J.; and between the facilities of G. S. Furniture Services, Inc., at Central Islip, N.Y, on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam, Rockland, and Orange Counties, N.Y., and points in Bergen, Essex, Hudson, Passaic, Union, Middlesex, Somerset, and Morris Counties, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

Application No. MC–FC–76489, Transferee: A. J. Elliott Motor Trans., Inc., Transferor: L. B Trucking, Inc, published Thursday, April 15, 1976 (41 FR 15957) in Notice No 226 is correctly numbered MC–FC–76488. Protest against approval of the application must be filed by May 17, 1976.

No. MC–FC–76496, filed April 22, 1976. Transferee: WICKAM TRUCKING, INC., 94 13th St., Wheatland, Wyoming 82201. Transferor: JOHN AND RUBY WICKAM, a partnership, doing business as WICKAM TRUCKING, 94 13th St., Wheatland, Wyoming 82201. Applicant's representative: Wickam Trucking, Inc., John Wickam, President, 94 13th St., Wheatland, Wyoming 82201. Authority sought for purchase by transferee of the operating rights, as set forth in Certificate No. MC 105020, issued August 14, 1974, as follows: Livestock and livestock feed, between points within 35 miles of Glendo, Wyo., including Glendo, on the one hand, and, on the other, Denver and Greeley, Ohio; and livestock, livestock feed, and wool, between points within 35 miles of Glendo, including Glendo. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76509, filed April 6, 1976. Transferee: THE WEST BROS. CORP., P.O. Box 645, Melbourne, Iowa 50162. Transferor: WALTER NEUROTH, doing business as NEUROTH TRUCK LINE, P.O. Box 126, Conrad, Iowa 50621. Ap-

plicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 94704 (Sub-No. 8), issued June 21, 1973, as follows: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corporation, at Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, South Dakota, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76510, filed April 6, 1976. Transferee: SPARTAN TRANSPORT, INC., P.O. Box 478, Hagerstown, Maryland, 21740. Transferor: SIMON P. NEWLIN, Jr., doing business as S. P. NEWLIN, Winchester, Virginia 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Virginia 22611. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 128222, issued June 8, 1967, authorizing the transportation of masonry building blocks, and masonry construction material in mixed loads with masonry building blocks, from the plant site of Virginia Supreme Corporation, at Winchester, Va., to named counties in Maryland, Pennsylvania, and West Virginia and to points in the District of Columbia, under a continuing contract or contracts, with Virginia Supreme Corporation, of Hagertown, Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76513, filed April 6, 1973. Transferee: DONALD L. MEINIG, Route 5, Paola, Kansas 66071. Transferor: MERLE C. HAYES, Box 132, Paola, Kansas 66071. Applicant's representative: John L. Richeson, Attorney at Law, P.O. Box 7, Ottawa, Kansas 66067. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 58279, issued March 28, 1960, as follows: Livestock, feed, grain, and agricultural implements, between Paola, Kans., and points in Kansas, within 12 miles of Paola, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and North Kansas City, Mo.; and building materials, furniture, coal, hardware and fertilizer, from Kansas City and North Kansas City, Mo., and Kansas City, Kans., to points in the above-specified Kansas territory. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76516, filed April 9, 1976. Transferee: HERITAGE TRANSPORTATION, INC., 167 Kennedy Drive, Malden, Mass. 02148. Transferor: RELIANCE MOTOR EXPRESS, INC., 31 Joy Street, Somerville, Mass. 02143. Applicant's representative: Frank J. Weiner, Esquire, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of Certificate of Registration No. MC 41365 (Sub-No. 2), issued November 20, 1975, to transferor, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate No. 6857 dated January 9, 1961, transferred and reissued November 29, 1973, by the Massachusetts Department of Public Utilities. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76517, filed April 9, 1976. Transferee: D & N TRANSPORTATION COMPANY, INC., 256 Nursery Avenue, Woonsocket, Rhode Island 02895. Transferor: TROTTIER'S EXPRESS, INC., 361 Pulaski Boulevard, Bellingham, Massachusetts 02019. Transferee's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Transferor's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Mass. 02645. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-34952, issued February 23, 1955, as follows: General commodities between Woonsocket, R.I., and Providence, R.I., serving all intermediate points and certain specified off-route points; general commodities between Surrillville, North Smithfield, and Woonsocket, R.I., on the one hand, and, on the other, specified points in Massachusetts; and household goods, between Woonsocket, R.I., and Bellingham, and Blackstone, Mass., on the one hand, and on the other, points in Rhode Island, Massachusetts, and those in Windham County, Conn. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76518, filed April 8, 1976. Transferee: M. D. SCHMITT TRANSPORT, INC., P.O. Box 793, Highway 20 West, Independence, Iowa 50655. Transferor: JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY, 3641 Pulaski Highway, Baltimore, Maryland 21224. Applicant's representative: Robert J. Carson, Esquire, Attorney at Law, 1700 One Charles Center, Baltimore, Maryland 21201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificates Nos. MC113524, and MC113524 (Sub-No. 24), issued July 7, 1961, and July 29, 1969, respectively, as follows: green animal hides, slaughter-house offal, dead animals, and empty containers for the above-named commodities, animal hides, salted green animal hides, glass sand, in bulk, and green hides and skins, salted, from, to, and between points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, New York, Ohio, and the District of Columbia. Transferee is presently authorized to operate as a common carrier under Certificate No. MC139140. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76520, filed April 13, 1976. Transferee: GOWANDA-BUFFALO TRANSPORTATION CO., INC., 133 Johnson Street, Gowanda, N.Y. 14070. Transferor: BEN C. KYSOR, dba GOWANDA-BUFFALO TRANSPORTATION CO., 133 Johnson Street, Gowanda, N.Y. 14070. Applicants' representative: Herbert M. Canter, Esquire, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 7619 issued January 29, 1944, as follows: General commodities, except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, and commodities requiring special equipment, between Gowanda, N.Y., and Buffalo, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76522, filed April 12, 1976. Transferee: STODOLA BROS. TRUCKING, Route 1, Box 58-A1, Sarona, Wisconsin 54870. Transferor: DONALD LEFEBVRE, doing business as LEFEBVRE TRUCKING, Rice Lake, Wisconsin. Applicants' representative: C. E. deBruyn, 1745 University Avenue, St. Paul, Minnesota 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 109687, issued May 2, 1968, as follows: Livestock, between South St. Paul, Minn., on the one hand, and, on the other, points (except incorporated municipalities) in the Towns of Rice Lake, Doyle, Cedar Lake, Oak Grove, Bear Lake, Sumner, Barron, Stanfold, Stanley, and Chetek, in Barron County, Wis., and in the Town of Birchwood, in Washburn County, Wis.; and farm machinery, seed, and animal and poultry feed, from Minneapolis and St. Paul, Minn., to points (except incorporated municipalities), in the towns named above. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-12522 Filed 4-28-76;8:45 am]

[Notice No. 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 26, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than May 14, 1976. One

copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in th I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 164TA), filed April 19, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Ave., Sioux Falls, S. Dak. 57105. Applicant's representative: F. Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, emulsified asphalt, and road oils*, in bulk, in tank vehicles, from Pillsbury, N. Dak., to points in Minnesota and South Dakota, for 180 days. Supporting shipper: Asphalt Products Company, 800 Whiting Ave., Stevens Point, Wis. 54481. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 22195 (Sub-No. 165TA), filed April 19, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Ave., Sioux Falls, S. Dak. 57105. Applicant's representative: F. Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light-weight aggregate*, from Mandan, N. Dak., to points in Minnesota, South Dakota, Montana, and the following Ports of Entry on the International Boundary Line between the United States and Canada, at or near Westhope, N. Dak., Carbury, Dunseith, Rolla, Hansboro, Calvin, Langdon, Walhalla, Neche, and Pembina, N. Dak.; Noyse and Lancaster, Minn., for 180 days. Supporting shipper: U.S. Noonlite Ltd., Box 117, Mandan, N. Dak. 58554. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 107496 (Sub-No. 1042TA), filed April 16, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage sludge*, in bulk, in tank vehicles, from Rothschild, Wis., to Kalamazoo, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Zimpro, Inc., Military Road at Highway 51, Rothschild, Wis. 54474. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 1025TA), filed April 19, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa, liquid*, in bulk, in tank vehicles, from points in Iowa, Missouri, Kansas, Ohio, Michigan, Nebraska, Illinois, Minnesota, and South Dakota, to the plantsite of Abbott Laboratories, North Chicago, Ill., for 180 days. Supporting shipper: Abbott Laboratories, 14th & Sheridan Road, North Chicago, Ill. 60064. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107541 (Sub-No. 37TA), filed April 19, 1976. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 18101 S. E. McLoughlin Bldg., Milwaukie, Oreg. 97222. Applicant's representative: James H. Gulseth, 3030 Bridgeway, Suite 106, Sausality, Calif. 94965. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modification* of WOLF Authority, MC 107541 (Sub-No. 28) *to include agricultural insecticides, fungicides and herbicides with mixed loads of fertilizer* (except liquid in bulk), from the Occidental Chemical Corporation facilities in Lathrop, Calif., to points in Washington and Oregon, for 180 days. Supporting shipper: Occidental Chemical Corporation, P.O. Box 198, Lathrop, Calif. 95330. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 107541 (Sub-No. 38TA), filed April 19, 1976. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 18101 S. E. McLoughlin Bldg., Milwaukie, Oreg. 97222. Applicant's representative: James H. Gulseth, 3030 Bridgeway, Suite 106, Sausality, Calif. 94965. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Feed and feed ingredients*, from the plantsite and storage facilities of Albers Milling Company, at Fort Lupton, Colo., to points in Idaho, Oregon and Utah, for 180 days. Supporting shipper: Albers Milling Company, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 108341 (Sub-No. 45TA), filed March 30, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers, and parts, implements, attachments, accessories and supplies therefore*, from the facilities of Athey Products Corporation, at or near Wake Forest, N.C., to points in Iowa, Arkansas, Minnesota, Mississippi, New York, New Jersey, Maryland, Alabama, Louisiana, Massachusetts, Kentucky, West Virginia, Pennsylvania, Ohio, Tennessee, Connecticut, Michigan, Rhode Island, South Carolina, Wisconsin, Maine, Florida, Missouri, Illinois, Indiana, Vermont, Georgia, Virginia and New Hampshire, for 180 days. Supporting shipper: Athey Products Corporation, P.O. Box 669, Raleigh, N.C. 27602. Send protests to: Terrell Pric, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 114897 (Sub-No. 120TA), filed April 19, 1976. Applicant: WHITFIELD TANK LINES, INC., 821 East Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from San Manuel, Ariz., to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Van Waters & Rogers, Div. Inivar Corp., 3301 Edmunds S.E., P.O. Box 25187, Albuquerque, N. Mex. 87125. Send protests to: Andrew V. Baylor, District Supervisor, Room 3427 Federal Bldg., 230 North 1st Ave., Phoenix, Ariz. 85025.

No. MC 115975 (Sub-No. 23TA), filed April 19, 1976. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, from the plantsite and storage facilities of Texaco, Inc., in Jefferson County, Tex., to Hibbing, Minn., limited to transportation service for Texaco, Inc., under a continuing contract with Texaco, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harry E. Colwell, Manager-Traffic (U.S.), Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 116073 (Sub-No. 317TA), filed April 19, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead,

Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles and fifth wheel travel trailers*, in initial movement, from Elkhart and New Paris, Ind., to points in Indiana, Michigan, Ohio, West Virginia, Kentucky, Tennessee, Missouri, Iowa, Wisconsin, Minnesota, Illinois, and North Dakota, for 180 days. Supporting shipper: Skyline Corporation, 2520 By-Pass Road, Elkhart, Ind. 46514. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 318TA), filed April 19, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, and buildings, from Brighton, Colo., to points in Colorado, Nebraska, New Mexico, and Wyoming, for 180 days. Supporting shipper: Skyline Corporation, 1095 S. Fourth St., Brighton, Colo. 80601. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 319TA), filed April 19, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobile, pickup campers, fold down campers, motor homes, and fifth wheel travel trailers*, in initial movement, from Middlebury, Ind., to points in the United States (except Hawaii), for 180 days. Supporting shipper: Coachmen Industries, Inc., P.O. Box 30, Middlebury, Ind. 46540. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 118038 (Sub-No. 10TA), filed April 19, 1976. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East "D" St., Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, in bags, from Parker, Wash., and Portland, Oreg., to Bellingham, Colville, Lynnwood, Olympia, Pasco, Spokane, Tacoma, Walla Walla, Wenatchee, and Yakima, Wash.; Boise, Caldwell, Lewiston, Nampa, Pocatello, and Twin Falls, Idaho; Corvallis, Eugene, Grants Pass, Klamath Falls, Medford, Ontario, Pendleton, and Portland, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John O. Reese Insulation, Inc., 2018 West Nob Hill Blvd., Yakima, Wash. 98902. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140615 (Sub-No. 12TA), filed April 19, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy by-products, and gift paks*, from Forestville, Wis., to Chicago and Franklin Park, Ill.; Detroit, Mich.; points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Vermont; *and Materials, supplies, and equipment* used in the preparation, packing and sale of the above commodities, from Chicago, and Franklin Park, Ill., Detroit, Mich., and points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Vermont, to Forestville, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Badger State Cheese Co., Forestville, Wis. 54213. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson, St., Room 202, Madison, Wis. 53703.

No. MC 141071 (Sub-No. 5TA), filed April 16, 1976. Applicant: LARANETA TRUCKING COMPANY, INC., 870 West 9th St., San Pedro, Calif. 90731. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ontario, Oreg., and points in Idaho, to Las Vegas, Nev., and points in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., under a continuing contract with Ore-Ida Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, Idaho 83707. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141824TA (Correction), filed March 3, 1976, published in the FEDERAL REGISTER issue of March 19, 1976, republished as corrected this issue. Applicant: WILLIAM E. EGBERT, doing business as BILL EGBERT HORSE TRANSPORTATION, 29731 S.E. 392nd, Enumclaw, Wash. 98022. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Horses*, other than ordinary; and (2) *Stable supplies and equipment* used in the care and exhibition of such horses, mascots, and the personal effects of attendants, trainers, and exhibitors in the same vehicle with the commodities named in (1) above, between points in Washington, on the one hand, and, on the other, points in Oregon, California, Arizona, Idaho, Kentucky, Tennessee, Colorado, Montana, and points on the United States-Canada International Boundary line at or near Blaine, Sumas, and Oroville, Wash., for service to British Columbia, Canada, from points in Kentucky, to points in Oregon and California. Applicant intends to interline at Lexington, Ky., with other carriers, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. The purpose of this republication is to add the tacking authority in this proceeding.

No. MC 141976TA, filed April 20, 1976. Applicant: BALTIMORE FREIGHTWAYS, INC., P.O. Box 321, Randallstown, Md. 21133. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding wire and rods, welding electrodes, welding flux and compounds*, from Baltimore, Md., to points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Arizona, Colorado, New Mexico, Oklahoma, Texas, and Louisiana, under a continuing contract with The Reid-Avery Company, for 180 days. Supporting shipper: John R. Colgan, Traffic Manager, The Reid-Avery Company, Cleveland & Chesapeake Aves., Baltimore, Md. 21222. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

PASSENGER APPLICATION

No. MC 141975TA, filed April 19, 1976. Applicant: LESTER H. CHRISTMAN, doing business as CHRISTMAN TRAVEL SERVICE, Route 1, Box 152A, New Ringgold, Pa. 17960. Applicant's representative: S. Berne Smith, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and camping equipment*, in special operations, on a camping trip in a 12-passenger Dodge Maxi-Van, beginning and ending at the Borough of New Ringgold, Schuylkill County, Pa., and extending to points in Ohio, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, Alaska, Washington, Oregon, California, Nevada, Utah, Colorado, Nebraska, and Iowa, for 60 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be

examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–12525 Filed 4–28–76;8:45 am]

[Notice No. 237]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76435. By application filed March 25, 1976, G & S TRUCKING, INC., 2320 Monumental Avenue, Baltimore, MD. 21227, seeks temporary authority to lease the operating rights of HARRELL FREIGHT, INC., 2320 Monumental Avenue, Baltimore, MD. 21227, under section 210a(b). The transfer to G & S TRUCKING, INC., of the operating rights of HARRELL FREIGHT, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–12530 Filed 4–28–76;8:45 am]

[I.C.C. Order No. 166; Rev. S.O. 994]

NORFOLK AND PORTSMOUTH BELT LINE RAILROAD CO.

Rerouting or Diversion of Traffic

To: All Railroads Serving Norfolk, Virginia.

In the opinion of Lewis R. Teeple, Agent, the Norfolk and Portsmouth Belt Line Railroad Company (NPB) is unable to transport traffic over its Eastern Branch drawbridge spanning the Elizabeth River between Norfolk and Portsmouth, Virginia, because of fire damage; that all cars except those 85 ft. or longer may be moved by the NPB over other trackage within the Norfolk terminal; and that cars 85 ft. or longer, normally requiring movement over this bridge, must be rerouted via junctions remote from the Norfolk terminal.

It is ordered, That: (a) The railroads serving Norfolk, Virginia, being unable to transport, via normal routes, cars 85 ft. or longer which require movement over the Norfolk and Portsmouth Belt Line's Eastern Branch drawbridge over the Elizabeth River in Norfolk, because of fire damage, such carriers are hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving roads to be obtained.* Such railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., April 14, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 10, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 14, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76–12526 Filed 4–28–76;8:45 am]

REROUTING TRAFFIC

[Amendment No. 1 to I.C.C. Order No. 163; S. O. No. 994]

Upon further consideration of I.C.C. Order No. 163 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 163 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76–12524 Filed 4–28–76;8:45 am]

[Amdt. No. 1, I.C.C. Order No. 164; Rev. S. O. 994]

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of I.C.C. Order No. 164 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 164 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 3, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 19, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 19, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc. 76–12528 Filed 4–28–76;8:45 am]

federal register

THURSDAY, APRIL 29, 1976

PART II:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Flotation

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 75-168]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Standards for Flotation

● Purpose: The purpose of these regulations is to increase the visability and survivability of boaters following a boating accident by requiring manufacturers to design certain boats less than 20 feet in length to float in an approximately level attitude when swamped, thus providing a platform from which the occupants can be rescued. ●

One of the major missions of the Coast Guard's Office of Boating Safety is to reduce the number of boating accidents and the loss of life that often results from them. This mission is divided into two major phases. The first phase is aimed at prevention. Boating safety educational programs and the development if safety standards for boat construction are the main thrusts of this phase. The second phase is aimed at recovery of persons involved in boating accidents. These proposed regulations are a part of this second phase since they are designed to greatly increase both the visibility and the survivability of individuals following an accident by making the boat a safety platform from which rescue can be effected.

These proposed regulations will affect the construction of most monohull outboard boats—the most common type of boat used on America's waterways. Under the proposed regulations, these boats will be required to be constructed with enough properly placed flotation to cause them to float in an approximately level attitude when submerged with occupants on board. This "level flotation" standard is substantially more stringent than the Coast Guard's present "basic flotation" standard.

The present regulations require a boat to contain an amount of flotation that is determined from a complicated formula based on the estimated weights and densities of its different components. Experience has shown, however, that this approach is not satisfactory. Boats that have been constructed in accordance with the present standard have a tendency to capsize and float bow high when swamped. This has made it difficult for survivors to hang onto and remain with the boat and almost impossible for them to right the boat and climb back on board.

Faced with this situation, the Coast Guard began an analysis of reports and statistical data pertaining to fatalities that resulted from boats capsizing, flooding, sinking, or striking floating objects. The results of the analysis showed that a large percentage of the fatalities investigated during the analysis period would not have occurred had the boats involved in the accidents been equipped with "level flotation." In response to the findings of the analysis, these proposed regulations remove the major difficulties experienced with the present flotation standard. In general, boats that are constructed in accordance with the proposed regulations will have these advantages:

(1) They will float in a level attitude when swamped, thus providing a platform on which the occupants can remain safe until rescued.

(2) Each occupant can remain in the swamped boat with approximately 50 percent of his body out of the water, thus lessening the danger of hypothermia (subnormal body temperature resulting from exposure to cold water).

(3) The powerhead of the motor, in most cases, will remain out of the water when the boat is swamped. If the motor can be started with a pull starter, the boat and its occupants may be able to return safely to shore under the boat's own power. A discussion of the proposed regulations follows.

SUBPART E

Subpart E contains the present "basic flotation" standard, which applies to most monohull boats that are less than 20 feet in length. The applicability section of Subpart E, § 183.61, has been amended to make it clear that it applies to boats manufactured between August 1, 1973 and July 31, 1978. In addition an exception has been added that will allow manufacturers the option of complying with Subpart E or Subparts F, G, or H, before compliance with these subparts becomes mandatory on August 1, 1978.

SUBPART F

Subpart F is a new subpart, but its contents are similar to the existing Subpart E with two major differences. The first major difference between Subparts E and F is the absence in Subpart F of the formula used in Subpart E for determining the amount of flotation used in a boat. In place of the formula, there is a standard that requires any portion of the boat to remain above the surface of the water when the boat is swamped. The second major difference between the subparts is in the applicability section. Subpart F applies only to inboard boats, inboard/outdrive boats, and airboats that are less than 20 feet in length.

SUBPART G

Subparts G and H contain the new "level flotation" standard. In order to better explain the ramifications of this standard, an explanation for each section of Subpart G is given below.

§ 183.201 *Applicability.* Subpart G applies to monohull outboard boats constructed after July 31, 1978 of less than 20 feet in length that are rated for motors of more than 2 horsepower. The Subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats; these boats were excepted from the rules because the level flotation standard was not developed with the peculiar designs of these crafts in mind. Instead the standard was developed for the type of monohull outboard motor boats which compose the vast majority of the recreational boat population.

§ 183.202 *Flotation and certification requirements.* This section requires that each boat to which the standard applies be designed to pass the flotation and stability tests contained in the subpart. A manufacturer does not have to test each boat that he builds, but he is required to certify that each boat is manufactured, constructed, or assembled to pass the tests.

§ 183.205 *Passenger carrying area.* The purpose of this section is to define the area in the boat in which the weights required by the various tests are placed. A combination of written explanations and drawings are used to achieve this purpose. The drawings are not intended to be inclusive of every possible design, but are intended to illustrate several possible variations of design. The fact that a particular boat may differ in design from the boats shown in the illustrations does not exclude it from the regulations.

§ 183.210 *Reference areas.* This section describes the 2 foot area on each end of a boat in which measurements are made to check for compliance with the flotation standard. An illustration showing the location of the two reference areas is also included.

§ 183.215 *Reference depth.* Each test prescribes certain criteria that a boat must meet under the conditions outlined in the test section. One of these criterion is reference depth. This section describes the vertical distance that is measured to determine the reference depth. An illustration of a reference depth measurement is included for clarity.

§ 183.220 *Conditions applicable to each test.* Before a boat is tested it must be conditioned for a period of at least 18 hours. This section outlines the various elements of the conditioning process.

§ 183.222 *Flotation material and air chambers.* This section requires that flotation materials, once installed on a boat, must be able to withstand, for an indefinite period, exposure to the marine environment and foreign substance that might cause it to lose its effectiveness.

§ 183.225 *Flotation test for persons capacity.* This section describes the attitude in which a boat must float once it has been loaded with a quantity of weight that simulates the weight of persons in a swamped boat.

§ 183.230 *Stability test.* This test describes the attitude in which a boat must float when loaded with a quantity of weight that simulates occupants sitting along the side of the boat or climbing on board.

§ 183.235 *Level flotation test without weights for persons capacity.* This section describes the attitude in which a boat must float when the weight that is used to simulate the weight of occupants is removed from the boat.

SUBPART H

Subpart H applies to monohull boats constructed after July 31, 1978, that are less than 20 feet in length and that are rated for manual propulsion or motors of 2 horsepower or less. In most respects the provisions of this subpart are the

same as those in Subpart G. The major difference is that the weight used in the tests to simulate the weight of persons is less in this subpart than the weight used for the purpose in Subpart G. Subpart G requires the use of a quantity of weight that is equal to approximately one-half of the persons capacity marked on the boat; Subpart H requires only 2/5 of persons capacity weight for this purpose.

Another difference between Subpart G and Subpart H is that Subpart G specifically prohibits the use of air chambers that are integral with the hull for the purpose of meeting the Subpart's flotation requirements. No such prohibition exists in Subpart H.

The National Boating Safety Advisory Council has been consulted regarding the substance of these proposed regulations. The Council concurs that the proposed standard be published as a boating safety regulation. Transcripts of the proceedings of the National Boating Safety Advisory Council at which this standard was discussed are available for examination in Room 4224, U.S. Coast Guard Headquarters, Transpoint Building, 2100 Second Street SW., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o U.S. Coast Guard (G-BA/TRPT), Washington, D.C. 20590.

Any interested person may submit written data, views, or arguments concerning this notice to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. All communications received before July 30, 1976, will be considered before the final rule is drafted. Each person submitting comments should include his name and address, identify this notice (CGD 75-168) and give reasons and supporting data for any recommendations. All comments will be available at Coast Guard Headquarters for public inspection.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454). The authority vested in the Secretary of the Department of Transportation by this act is delegated to the Commandant of the Coast Guard at 49 CFR 1.46(o)(1).

In consideration of the foregoing, it is proposed to amend Part 183 of Chapter I of Title 33 of the Code of Federal Regulations as follows:

Subpart E—Flotation

1. By amending Subpart E by revising § 183.61 to read as follows:

§ 183.61 Applicability.

This subpart applies to monohull boats, the construction or assembly of which is begun after July 31, 1973, but before August 1, 1978, that are less than 20 feet in length, except monohull boats that meet the requirements of Subparts F, G, or H of this Part, sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

2. By adding new subparts F, G, and H to follow Subpart E and to read as follows:

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

Sec.
183.101 Applicability.
183.105 Quantity of flotation required.
183.110 Flotation materials and air chambers.

Subpart F—Flotation Requirements for Inboard Boats, Inboard/Outdrive Boats, and Airboats

§ 183.101 Applicability.

This subpart applies to monohull inboard boats, inboard/outdrive boats, and airboats less than 20 feet in length, the construction or assembly of which is begun after July 31, 1978, except sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.105 Quantity of flotation required.

(a) Each boat must have enough flotation to keep any porton of the boat above the surface of the water when the boat has been submerged in calm, fresh water for at least 18 hours and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat;

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that when submerged, equals 62.4 times the volume in cubic feet of the two largest air chambers, if air chambers are used for flotation.

(b) For the purpose of this section, "dead weight" means the maximum weight capacity marked on the boat minus the persons capacty marked on the boat.

§ 183.110 Flotation materials and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

General
Sec.
183.201 Applicability.
183.202 Flotation requirements.
183.205 Passenger carrying area.
183.210 Reference areas.
183.215 Reference depth.
183.220 Preconditioning for tests.
183.222 Flotation material and air chambers.
Tests
Sec.
183.225 Flotation test for persons capacity.
183.230 Stability test.
183.235 Level floation test without weights for persons capacity.

Subpart G—Flotation Requirements for Outboard Boats Rated for Engines of More Than 2 Horsepower

General

§ 183.201 Applicability.

(a) This subpart applies to monohull outboard boats that are—

(1) Less than 20 feet in length;

(2) Rated for outboard engines of more than 2 horsepower; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.202 Flotation and certification requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in §§ 183.225 (a), 183.230(a), and 183.235(a).

§ 183.205 Passenger carrying area.

(a) For the purpose of this section a boat is level when it is supported on its keel at the two points shown in Figure 1.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 2, 3, and 4.

(c) The length of the passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level as illustrated in Figures 2 and 3. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 4.

(d) The breadth of each passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 5 and 6. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 6.

§ 183.210 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck, as illustrated in Figure 7.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 7.

§ 183.215 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 8. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.220 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.225, 183.230, and 183.235:

(a) Manufacturer supplied permanent appurtenances such as windshields, convertible tops, and propellers must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) The sum of 50 percent of 550 pounds of the persons capacity marked on the boat and 12½ percent of the remainder of the persons capacity.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in Column 6 of Table I for maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section must be placed in the boat so that the center of gravity of each amount of weight required by paragraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 9. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the midlength of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls and the battery in lieu of this equipment. The required quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Columns 2 and 4 of Table I for the swamped weight of the motor and controls and for the submerged weight of the battery, respectively.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

(h) Water must flood the two largest air chambers and all air chambers integral with the hull.

§ 183.222 Flotation material and air chambers.

(a) As installed in a boat, flotation materials must withstand—

(1) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(2) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

(b) Air chambers used to meet the flotation requirements of this subpart must not be integral with the hull.

TESTS

§ 183.225 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.220 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.230 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.220 (a), (d) through (h) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not exceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) One-half of the quantity of weight required by § 183.220(b)(1).

(2) The quantity of weight required by § 183.220(b)(2).

(c) *Placement of quantity of weight: starboard side.* Place the weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.220(b)(2) is positioned in accordance with § 183.220(c); and

(2) One-half the quantity of weight required by § 183.220(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 10, the center of gravity of each weight placed on the floor of the boat is at least 4 inches above the floor, and the center of gravity of each weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 11.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.235 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.220(a), (d) through (h) are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

183.301 Applicability.
183.302 Flotation requirements.
183.305 Passenger carrying area.
183.310 Reference areas.
183.315 Reference depth.
183.320 Preconditioning for tests.
183.322 Flotation material and air chambers.

TESTS

183.325 Flotation test for persons capacity.
183.330 Stability test.
183.335 Level flotation test without weights for persons capacity.

Subpart H—Flotation Requirements for Outboard Boats Rated for Engines of 2 Horsepower or Less

GENERAL

§ 183.301 Applicability.

(a) This subpart applies to monohull boats that are—

(1) Less than 20 feet in length;

(2) Rated for manual propulsion or outboard engines of 2 horsepower or less; and

(3) Constructed or assembled after July 31, 1978.

(b) This subpart does not apply to sailboats, canoes, kayaks, inflatable boats, submersibles, surface effect vessels, amphibious vessels, and raceboats.

§ 183.302 Flotation requirements.

Each boat to which this subpart applies must be manufactured, constructed, or assembled to pass the stability and flotation tests prescribed in § 183.325(a), 183.330(a), and 183.335(a).

§ 183.305 Passenger carrying area.

(a) For the purpose of this section, a boat is level when it is supported on its keel at the two points shown in Figure 1.

(b) As used in this subpart, the term "passenger carrying area" means each area in a boat in which persons can sit in a normal sitting position or stand while the boat is in operation. Passenger carrying areas are illustrated in Figures 2, 3, and 4.

(c) The length of each passenger carrying area is the distance along the centerline of the boat between two vertical lines, one at the forward end and one at the aft end of the passenger carrying area, when the boat is level, as illustrated in Figures 2 and 3. For boats with a curved stem inside the passenger carrying area, the forward vertical line is where a line 45 degrees to the horizontal when the boat is level is tangent to the curve of the stem, as illustrated in Figure 4.

(d) The breadth of the passenger carrying area is the distance between two vertical lines at the mid-length, excluding consoles, of the passenger carrying area when the boat is level as illustrated in Figures 5 and 6. For boats with round chines inside the passenger carrying area, the vertical line is where a transverse line 45 degrees to the horizontal is tangent to the arc of the chine, as illustrated in Figure 6.

§ 183.310 Reference areas.

(a) The forward reference area of a boat is the forward most 2 feet of the top surface of the hull or deck as illustrated in Figure 7.

(b) The aft reference area of a boat is the aft most two feet of the top surface of the hull or deck, as illustrated in Figure 7.

§ 183.315 Reference depth.

Reference depth is the minimum distance between the upper most surface of the submerged reference area of a boat and the surface of the water measured at the centerline of the boat, as illustrated in Figure 8. If there is no deck surface at the centerline of the boat from which a measurement can be made, the reference depth is the average of two depth measurements made on opposite sides of, and at an equal distance from, the centerline of the boat.

§ 183.320 Preconditioning for tests.

A boat must meet the following conditions for at least 18 hours before the tests required by §§ 183.325, 183.330, and 183.335:

(a) Manufacturer supplied permanent appurtenances such as windshields, convertible tops, and propellers must be installed on the boat.

(b) The boat must be loaded with a quantity of weight that, when submerged, is equal to the sum of the following:

(1) Two-fifteenths of the persons capacity marked on the boat.

(2) Twenty-five percent of the result of the following calculation, but not less than zero: the maximum weight capacity marked on the boat; less the weight shown in column 6 of Table I for the maximum horsepower marked on the boat; less the persons capacity marked on the boat.

(c) The weights required by paragraph (b) of this section are placed in the boat so that the center of gravity of each amount of weight required by subparagraphs (b)(1) and (b)(2) of this section is within the shaded area illustrated in Figure 9. The location and dimensions of the shaded area are as follows:

(1) the shaded area is centered at the mid-length of the passenger carrying area and at the mid-breadth of the boat;

(2) the length of the shaded area, measured along the centerline of the boat, is equal to 40 percent of the length of the passenger carrying area of the boat; and

(3) the breadth of the shaded area, measured at the mid-length of the passenger carrying area, is equal to 40 percent of the breadth of the passenger carrying area of the boat.

(d) Weight must be placed in the normal operating position of the motor and controls in lieu of this equipment. The quantity of weight used for this purpose depends upon the maximum rated horsepower of the boat being tested and is specified in Column 2 of Table 1 for the swamped weight of the motor and controls.

(e) Permanent fuel tanks must be filled with fuel and each external opening into the fuel tank must be sealed.

(f) The boat must be keel down in the water.

(g) The boat must be swamped, allowing water to flow between the inside and the outside of the boat, either over the sides, through a hull opening, or both. Entrapped air in the flooded portion of the boat must be eliminated.

§ 183.322 Flotation materials.

As installed in a boat, flotation materials must withstand—

(a) The combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use; and

(b) The combined effects of exposure to sunlight, vibration, shock, and temperature variations expected during normal use.

§ 183.325 Flotation test for persons capacity.

Flotation standard. When the conditions prescribed in § 183.320 are met, the boat must float in fresh, calm water as follows:

(a) The angle of heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

§ 183.330 Stability test.

(a) *Flotation standard.* When the conditions prescribed in § 183.320(a), (d) through (g) and paragraphs (b) and (c) of this section are met, the boat must float in fresh, calm water as follows:

(1) The angle of heel does not eceed 30 degrees from the horizontal.

(2) Any point on either the forward or aft reference area is above the surface of the water.

(3) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 12 inches or less.

(b) *Quantity of weight used.* Load the boat with quantity of weight that, when submerged is equal to the sum of the following:

(1) One-half the quantity of weight required by § 183.320(b)(1).

(2) The quantity of weight required by § 183.320(b)(2).

(c) *Placement of quantity of weight starboard side.* Place the quantity of weight required by paragraph (b) of this section in the boat so that—

(1) The quantity of weight required by § 183.320(b)(2) is positioned in accordance with § 183.320(c); and

(2) One-half the quantity of weight required by § 183.320(b)(1) is uniformly distributed over a distance along the outboard perimeter of the starboard side of the passenger carrying area that is equal to at least 30 percent of the length of the passenger carrying area so that the center of gravity of the quantity of weight is located within the shaded area illustrated in Figure 10, the center of gravity of each weight placed on the floor of the boat is at least 4 inches above the floor and the center of gravity of each weight placed on a seat is at least 4 inches above the seat. The location and dimensions of the shaded area are as follows:

(i) The shaded area is centered at the mid-length of the passenger carrying area;

(ii) The length of the shaded area is equal to 70 percent of the length of the passenger carrying area; and

(iii) The breadth of the shaded area is 6 inches from—

(A) For weights placed on the floor, the outboard perimeter of the passenger carrying area; and

(B) For weights placed on a seat, a vertical line inside the passenger carrying area as illustrated in Figure 11.

(d) *Placement of quantity of weight: port side.* The quantity of weight required by paragraph (b)(1) of this section is placed along the port side of the passenger carrying area in accordance with the conditions prescribed in paragraph (c)(2) of this section.

§ 183.335 Level flotation test without weights for persons capacity.

When the conditions prescribed in § 183.320(a), (d) through (g) are met, the boat must float in fresh, calm water as follows:

(a) The angle of the heel does not exceed 10 degrees from the horizontal.

(b) Any point on either the forward or aft reference area is above the surface of the water.

(c) The reference depth at the reference area that is opposite the reference area that is above the surface of the water is 6 inches or less.

TABLE 1.—*Weights (pounds) of outboard motor and related equipment for various boat horsepower ratings*

Boat horsepower rating	Column No. 1	2	3	4	5	6
	Motor and control weight		Battery weight		Full portable fuel tank weight	1+3+5
	Dry	Swamped	Dry	Submerged		
0.1 to 3.9	35	30				35
4.0 to 7	55	48			25	80
7.1 to 15	75	65	20	11	50	145
15.1 to 25	100	88	45	25	50	195
25.1 to 45	155	135	45	25	100	300
45.1 to 80	240	210	45	25	100	385
80.1 to 150	315	275	45	25	100	460
150.1 to 250	420	300	45	25	100	565
TRANSOMS DESIGNED FOR TWIN MOTORS						
50.0 to 90	310	270	95	50	100	505
90.1 to 160	480	420	95	50	100	675
160.1 to 300	630	550	95	50	100	825

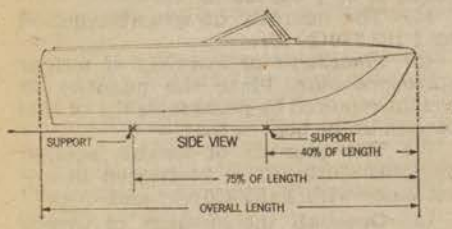


FIGURE 1- LOCATION OF SUPPORTS FOR LEVEL BOAT

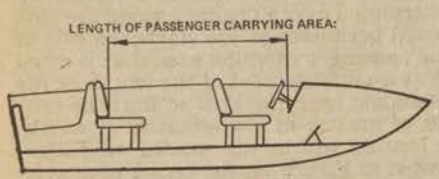


FIGURE 2- BOAT WITH DECK

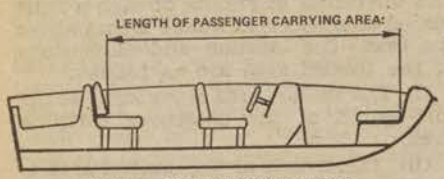


FIGURE 3- BOAT WITH CENTER CONSOLE

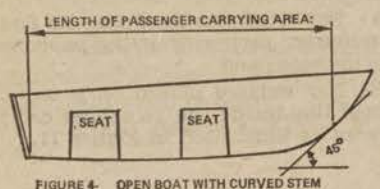


FIGURE 4- OPEN BOAT WITH CURVED STEM

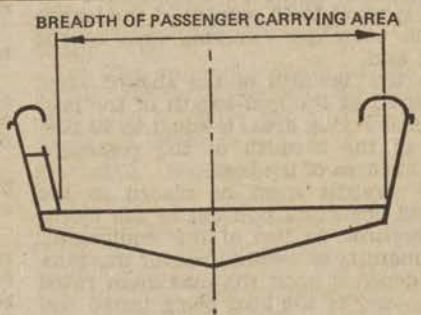


FIGURE 5-

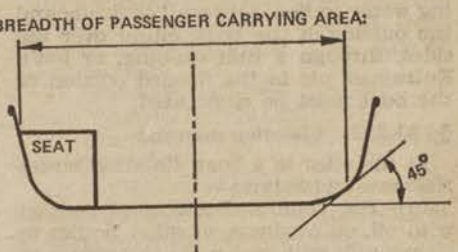


FIGURE 6- BOAT WITH ROUND CHINE

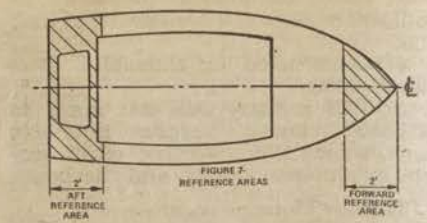


FIGURE 7- REFERENCE AREAS

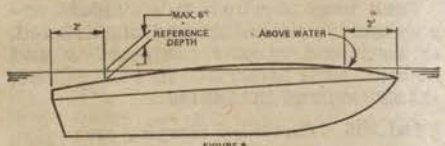
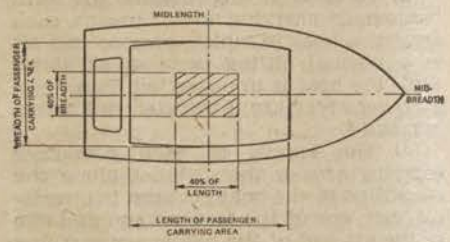


FIGURE 8- REFERENCE DEPTH

FIGURE 9- PASSENGER CARRYING AREA: LOCATION OF CENTER OF GRAVITY OF WEIGHTS



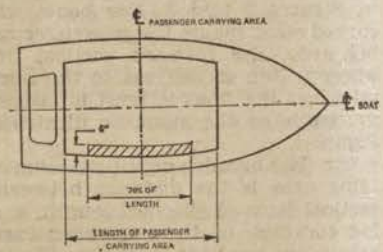


FIGURE 10- STABILITY TEST LOCATION OF CENTER OF GRAVITY OF WEIGHTS, STARBOARD SIDE

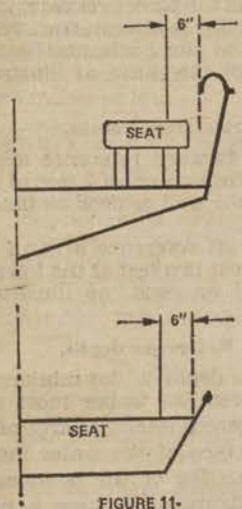


FIGURE 11- LOCATION OF CENTER OF GRAVITY OF WEIGHTS ON SEATS

Dated: April 21, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.76-12114 Filed 4-28-76;8:45 am]

federal register

THURSDAY, APRIL 29, 1976

PART III:

DEPARTMENT OF THE ARMY

Engineers Corps

■

A-95 CLEARINGHOUSE COORDINATION

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1105-2-811]

PART 384—A-95 CLEARINGHOUSE COORDINATION

On 27 February 1976, the Chief of Engineers proposed a revision to 33 CFR 384 to respond to a revision to OMB Circular A-95, published in the FEDERAL REGISTER by the Office of Management and Budget on 13 January 1976. The public was given until 9 April 1976 to provide comments to the Chief of Engineers on the proposed revision.

Comments were received from several Corps of Engineers field offices and the following:

Northern Arizona Council of Governments
State of Nebraska Office of Planning and Programming
Association of Bay Area Governments, Berkeley, California
Apalachee Chapter of the Izaac Walton League

All comments were given careful consideration. Several of the issues raised by respondents are discussed below, followed by a summary of the changes made to the regulation.

Two respondents suggested that the Corps be required to furnish the clearinghouse and the public with an explanation in all cases where a recommendation is not acted upon. The requirements of § 384.7(d)(3) have been expanded to clarify that the Corps is always ready to meet with clearinghouses or other interests to discuss proposed and final plans. The Corps has a policy of actively involving the public in its planning and has several other regulations in addition to Part 384 which provide guidelines for the Corps to communicate with the public.

A respondent suggested that the Corps Urban Studies Program be subject to Part II requirements. This was intended to the extent that the requirements are applicable. Corps studies conducted under its Urban Studies Program have some common elements with other Level C feasibility studies, but there are some major differences. To the extent that they are the same, the requirements of § 384.7 are applicable. This point has been clarified in § 384.10(b).

Section 384.7 has been revised to clarify several points. The first sentence of paragraph (a) was deleted as unnecessary. In the second sentence, "all Corps planning activities" has been changed to "Corps planning activities listed under § 384.6(b)" to be consistent with the title of the section. An additional sentence was added to paragraph (a) to provide agencies with a list of other agencies which have received information from the Corps. Subparagraph (2) has clarified the role of the clearinghouse in the development of a Plan of Study for Corps studies.

Section 384.7(c) has been changed in several places to clarify the review of Corps reports by clearinghouses. Subparagraph (5) has been deleted and the applicability of CEQ guidelines stated earlier in the paragraph. A sentence has been added to paragraph (1) to suggest that the Corps letter of transmittal to a State agency enclose a list of all other State agencies which have received the report for comment. In subparagraph (2), review of proposed actions in the coastal zone was clarified by stating that the State agency responsible for administration of the coastal zone would review the action, "in addition to the agencies designated in paragraph (c)(1) of this section." In other words, State clearinghouses, if different than the State agency responsible for the coastal zone, would still be involved in the review process.

The minimum review time was changed from 45 to 30 days in paragraph (c)(4), in response to several comments from Corps field offices. The Corps regulation on coordination of Environmental Impact Statements requires a 45-day minimum review period for draft statements and 30 days for final statements. These are minimum periods and the Corps will be responsive to requests for extensions. A provision has been added to subparagraph (4) to indicate that the Corps need not delay processing its reports beyond the designated comment period unless an extension has been requested and granted.

The use of Standard Form 424, as stated in § 384.7(d), has been changed from mandatory to optional. Several Corps field offices commented, and the Chief of Engineers concurs, that the form is primarily oriented toward grant programs. The Chief of Engineers is requiring Corps offices to adopt another method of accomplishing the purposes of the form, if the SF 424 is not used. This change will permit flexibility and will allow State clearinghouses to work with Corps field offices in determining the most appropriate format for receiving information on Corps projects under the Continuing Authorities Program. A sentence has been added to subparagraph (3) to require the Corps office to have a meeting with the State clearinghouse and other affected parties in case the Corps does not concur with the recommendations of the clearinghouse, if requested.

In § 384.9, the word "consistent" in the first sentence has been changed to "in addition to the agency or individual delegated to Act for the State, in accordance with," to recognize that States have designated agencies for Corps coordination of permit applications under Part 209.120 of this Chapter.

In § 384.10, the last sentence in paragraph (b) has been revised to clarify the applicability of the requirements of Part II of OMB Circular A-95 to the Corps Urban Studies Program. In paragraph (c)(2)(i), the words "unless the clearinghouse states it has no comments" was added to the last sentence. In many cases the Corps field office will contact the State clearinghouse or other designated agency to find out if the agency desires to comment on a request for a Flood Plain Information Study.

With the above changes, and several other editorial revisions, the proposed regulation is adopted as set forth below.

Effective date. This regulation is effective 29 April 1976.

Dated: April 27, 1976.

RUSSELL J. LAMP,
Colonel,
Corps of Engineers, Executive.

Sec.

384.1 Purpose.
384.2 Applicability.
384.3 References.
384.4 Definitions.
384.5 General.
384.6 Applicability of Attachment A, OMB Circular A-95 to Civil Works Programs.
384.7 Coordination Procedures for Civil Works Programs Covered by Part II (Except Regulatory Program and Aquatic Plant Control Program).
384.8 Coordination Procedures for Aquatic Plant Control Program.
384.9 Regulatory Program.
384.10 Coordination Procedures for Civil Works Programs Under Part IV.
384.11 A-95 Liaison Officer.
384.12 Directory of A-95 Clearinghouses.
384.13 Effective Date.

AUTHORITY: Office of Management and Budget Circuit A-95 (revised), dated 2 January 1976 (Part IV, FR Vol. 41, No. 8, pp. 2052-2065, 13 January 1976).

§ 384.1 Purpose.

This regulation provides policies and procedures for coordinating civil works activities with State and areawide clearinghouses pursuant to the requirements of the Office of Management and Budget (OMB) Circular A-95.

§ 384.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 384.3 References.

(a) OMB Circular No. A-95 (Revised), 2 January 1976 (Appendix A).

(b) 1975 Catalog of Federal Domestic Assistance, Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(c) Permits for Activities in Navigable Waters or Ocean Waters, 33 CFR 209.120, FEDERAL REGISTER, Vol. 40, No. 144, pp. 31320-31344, 25 July 1975.

(d) DA Pam 210-4, Coordination of Army Development with State and Local Governments.

(e) ER 360-1-1, Public Affairs.

(f) ER 405-2-150, Planning and Project Authorization—Civil Works Projects.

(g) ER 1105-2-14, Framework and River Basin Study Programs (Level A and Level B Studies) (33 CFR 252)

(h) ER 1105-2-22, Urban Studies Program (33 CFR 264).

(i) ER 1105-2-50, Continuing Authorities Program (33 CFR 263).

(j) ER 1105-2-81, Planning Assistance to States (33 CFR 265).

(k) ER 1105-2-200, Multiobjective Planning Framework (33 CFR 290).

(l) ER 1105-2-507, Environmental Impact Statements (33 CFR 209.410).

(m) ER 1105–2–800, Public Involvement: General Policies (33 CFR 380).
(n) ER 1120–2–400, Recreation Resources Planning.
(o) ER 1165–2–22, Federal Regional Council Coordination.
(p) EP 1165–2–303, Flood Plain Management Services Program.

§ 384.4 Definitions.

See Part V, Attachment A, OMB Cir A–95.

§ 384.5 General.

A–95 clearinghouses are comprehensive planning agencies, and, as such, will probably have done land use, transportation, water and sewer, air and water pollution, natural resources and other developmental plans and studies. Thus, they represent a prime resource for planning intelligence in a study area, and their involvement in Corps planning studies from the very beginning can serve to eliminate duplication of effort and can provide valuable leads as to local sources of data and area plans. Inasmuch as most areawide clearinghouses are COG's (Councils of Governments), they provide a direct link to local governments in the area and can assist Corps officers with intergovernmental contacts. Reporting officers are enocuraged to establish effective and working relationships with appropriate State and areawide clearinghouses and to utilize their available resources.

§ 384.6 Applicability of Attachment A, OMB Circular A–95 to Civil Works Programs.

(a) *Part I.* Part I is applicable to no civil works programs, effective with the final promulgation of this regulation.

(b) *Part II.* The following civil works programs are covered by Part II; the number from the Catalog of Federal Domestic Assistance, and the citation from the Code of Federal Regulations (CFR) for Corps regulations governing the program, are shown when applicable:

		Catalog No.	CFR reference
(1)	Aquatic Plant Control.	12.100	(1)
(2)	Small Beach Erosion Control Projects.	12.101	33 CFR 263
(3)	Emergency Bank Protection.	12.105	33 CFR 263
(4)	Small Flood Control Projects.	12.106	33 CFR 263
(5)	Small Navigation Projects.	12.107	33 CFR 263
(6)	Snagging and Clearing for Flood Control.	12.108	33 CFR 263
(7)	Snagging and Clearing for Navigation.	12.109	33 CFR 263
(8)	Level C feasibility studies specifically authorized by Congress.	.....	
(9)	Advanced engineering and design and construction of projects specifically authorized by Congress.	.....	
(10)	Project master planning.	.....	
(11)	Regulatory permit program.	.....	33 CFR 209.120

[1] Published under proposed rulemaking FEDERAL REGISTER, vol. 40, No. 25, 5489–5492, Feb. 5, 1975.

(c) *Part III.*

	Catalog No.	CFR reference
Planning assistance to States.	12.110	33 CFR 265

(d) *Part IV.*

	Catalog No.	CFR reference
(1) Level A and level B studies.	.....	33 CFR 252
(2) Urban studies program.	.....	33 CFR 264
(3) Flood plain management services program.	12.104	

§ 384.7 Coordination Procedures for Civil Works Programs Covered by Part II (Except Regulatory Program and Aquatic Plant Control Program).

Corps planning is conducted in accordance with policies and procedures established under a number of legislative and executive authorities. The primary regulations governing coordination of planning activities are Parts 290, 209.410, and 380 of this chapter. The following subparagraphs clarify these regulations as they relate to coordination with A–95 clearinghouses, as required by paragraph 2 of Part II.

(a) *Early Coordination with Clearinghouses.* Clearinghouses shall be placed on mailing lists for Corps planning activities listed under § 384.6(b), and will, therefore, receive all notices of initiation of studies, notices of public meetings, and announcements of Corps recommendations at the conclusion of studies. In addition, the reporting officer should provide the clearinghouse with a copy of the mailing list to avoid duplication of effort.

(1) *Continuing Authorities Program (33 CFR 263).* Reporting officers shall furnish to appropriate State and areawide clearinghouses notification of their initiating a reconnaissance study, together with a copy of the letter from the State or local entity which requested assistance, for the purposes of obtaining input for the study. Reporting officers shall provide clearinghouses the results of reconnaissance studies following approval by the Division Engineer. Clearinghouses shall again be notified by the reporting officer when a feasibility study is commenced.

(2) *Level C Feasibility Studies Specifically Authorized by Congress.* Reporting officers shall notify State and areawide clearinghouses of the initiation of feasibility studies and invite input to the Plan of Study, as a part of their public involvement program.

(3) *Advanced Engineering and Design of Projects Authorized by Congress.* Reporting officers shall insure that State and areawide clearinghouses are notified of the initiation of advanced engineering and design studies and included in public involvement programs for the reevaluation of the authorized project. Information obtained from clearinghouses may be particularly useful in determining whether conditions have changed since completion of the preauthorization feasibility study.

(4) *Project Master Planning.* Project Master Plans are developed for projects which will be operated and maintained by the Corps of Engineers, in accordance with ER 1120–2–400. Clearinghouses are involved early in project master planning through the advanced engineering and design stages of project development and shall be provided the opportunity of reviewing draft Master Plans and updated Master Plans.

(5) *Construction.* Clearinghouses shall be informed in a timely manner of any changes to Corps plans which may impact on other State areawide or local development plans. Clearinghouses shall also be informed of other activities for which public notice is required by other regulations, such as real estate acquisition (see ER 405–2–150).

(b) *Compatibility with State, Areawide and Local Plans.* The Corps planning process requires the consideration of State, areawide and local plans. Corps planning reports provide the rationale for recommending a particular course of action and discuss the assessment and evaluation of other feasible alternatives. Explanations of any necessary inconsistency or incompatibility with State, areawide or local development plans shall be made an integral part of this evaluation.

(c) *Clearinghouse Review of Corps Plans.* By law, the Corps must coordinate its planning reports with affected States and a number of Federal agencies. The Chief of Engineers also has agreements with other Federal agencies for reviewing Corps reports. Under the provisions of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality has provided Federal agencies with guidelines for coordinating Environmental Impact Statements (EIS) with one another and with State and local agencies (Appendix B). These guidelines are applicable to Corps EIS's coordinated under programs listed in § 384.6(b).

(1) Unless otherwise required by law or the Governor of a State, Corps field offices shall consider the Governor's designated representative for civil works programs the lead State agency for obtaining comments on draft reports and EISs. To facilitate review by other agencies, (and the State clearinghouse in the event it is not the Governor's designated representative), reporting officers shall transmit information copies of the letter sent to the Governor's representative, together with sufficient copies of draft reports and EISs, directly to other known interested agencies. The letter should inclose a list of all State agencies to which the report has been transmitted.

(2) In the case of proposed actions or projects in the coastal zone, reporting officers shall insure that the State agency responsible for administration of the

coastal zone is, in addition to the agencies designated in paragraph (c)(1) of this section, provided the opportunity to review and comment on draft reports and draft environmental impact statements, as well as provide input to the planning process in preparing such documents.

(3) Reporting officers shall transmit draft reports and draft environmental impact statements directly to appropriate areawide clearinghouses for review and comment.

(4) Reporting officers shall allow a minimum of 30 days for review and comment on draft reports. In the case of reports being reviewed together with a draft of final EIS, the comment periods required by ER 1105–2–507 are computed from the date of publication of the EIS in the FEDERAL REGISTER (sec. 209.410.11 (a) of this chapter). Reporting officers need not delay the processing of a report beyond the specified comment period unless an extension has been requested by the clearinghouse and granted.

(d) *Use of Standard Form 424 (Appendix A)*. The Standard Form 424 may be utilized by reporting officers to notify State and areawide clearinghouses of final action on proposed Federal projects under the Continuing Authorities Program (33 CFR 263). If not used, another method of accomplishing the purposes of the form, as stated in paragraphs (d)(1), (d)(2), and (d)(3) of this section, shall be adopted.

(1) If Standard Form 424 is used it should accompany draft reports and draft Environmental Impact Statements transmitted to State and areawide clearinghouses for comment. The Corps would complete Section I in accordance with instructions contained in Appendix A. In this manner, a State Application Identifier (Item 3 of SF 424) shall be obtained. If the Standard Form 424 is not used, a State Application Identifier should be obtained by an alternative means.

(2) The reporting officer shall notify appropriate State and areawide clearinghouses within seven days of receipt of notification of action by the Chief of Engineers on a proposed Federal project, concurrently or following notification of appropriate Congressional and local interests. The Corps should complete Sections I and III if a Standard Form 424 is used. Since a letter of intent is required from nonfederal interests for local cooperation requirements prior to project approval, completion of Section II is not required.

(3) If a clearinghouse has recommended against approval of a plan, and the Chief of Engineers approves the plan, or if a clearinghouse recommends specific and major substantive changes to a plan and the plan is approved without such changes, then the reporting officer shall furnish the clearinghouse an explanation in writing. If the Standard Form 424 is used, Section IV should be completed by the Corps. The reporting officer shall have a meeting to discuss the Corps action with the clearinghouse and other affected interests, if so requested.

(4) The Standard Form 424 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. The National Stock Number is #7540–01–008–8162.

(e) *Distribution of State Pamphlets.* To keep State and areawide clearinghouses informed of the status of projects authorized by Congress, District Engineers shall insure that clearinghouses receive copies of State Pamphlets as they are updated (reference ER 360–1–1).

§ 384.8 Coordination Procedures for Aquatic Plant Control Program.

Pending issuance of the final regulation on the Aquatic Plant Control Program, the proposed regulation published in the FEDERAL REGISTER on 5 February 1975 (reference sec. 384.6(b)(1) shall be utilized for program planning and coordination. The following coordination shall be effected with clearinghouses to fulfill the requirements of Part II:

(a) Reporting officers shall notify appropriate State and areawide clearinghouses when initiating a reconnaissance investigation and shall give such clearinghouses an opportunity to provide input during this early stage of planning.

(b) Reporting officers shall coordinate draft State Design Memoranda with appropriate State and areawide clearinghouses prior to submitting these reports to the Chief of Engineers for approval.

(c) Environmental Impact Statements (EIS), when required, shall be coordinated with State and areawide clearinghouses, in accordance with the guidelines in § 384.7(c) of this regulation and the requirements of Part 209.410 of this chapter.

§ 384.9 Regulatory Program.

The Corps will coordinate its review of applications for permits for activities in navigable waters with State and areawide clearinghouses in addition to the agency or individual delegated to act for the State, in accordance with interim final regulations adopted 25 July 1975 (see § 384.3(c)).

(a) *Public Notice.* Reporting officers shall transmit copies of public notices, required by Part 209.120(i)(1)(ii) of this chapter, to appropriate State and areawide clearinghouses for comment.

(b) *Environmental Impact Statement (EIS).* If the reporting officer determines that an EIS is required for a permit, copies of the draft EIS shall be transmitted to State and areawide clearinghouses for comment in accordance with Part 209.410(n) of this chapter and Part 209.120(i)(1)(iv) of this chapter.

(c) *Public Hearing.* If the reporting officer holds a public hearing on a permit application, in accordance with Section 209.133 of this chapter, notices of such hearing shall be transmitted to State and areawide clearinghouses in accordance with 33 CFR 209.120(i)(1)(iv).

(d) *Notice of Final Action on Permit applications.* Reporting officers will insure that the monthly notices listing permits issued and denied in the previous month, required by Part 209.120(i)(1)(viii) of this chapter, are provided to appropriate State and areawide clearinghouses.

§ 384.10 Coordination Procedures for Civil Works Programs Under Part IV.

(a) *Level A and Level B Planning.* The Water Resources Council assigns and funds Level A (Framework) and Level B (River Basin) studies. Corps offices, if given a leadership role in such studies, shall establish a Memorandum of Agreement with the designated areawide comprehensive planning agency in accordance with paragraph 3 of Part IV and Part 252 of this chapter.

(b) *Urban Studies Program.* Comprehensive guidelines for the conduct of urban studies by the Corps of Engineers are contained in Part 264 of this chapter. Coordination with A–95 clearinghouses is discussed in para 11a(3). Clearinghouses shall be involved in Corps planning activities under the Urban Studies Program in accordance with § 384.7, to the extent the Urban Study is similar to a Corps Level C implementation study.

(c) *Flood Plain Management Services Program (FPMS).*

(1) *Technical Services.* Reporting officers shall transmit to State and areawide clearinghouses a copy of information provided to local communities under the Corps technical assistance program, if the reporting officer feels the information would be of value to such planning agencies.

(2) *Flood Plain Information Studies (FPI).*

(i) Although not stated in the Catalog of Federal Domestic Assistance, all requests to Corps field offices for FPI studies are referred to a designated State agency for comment prior to Corps funding of the study (EP 1165–2–303). Reporting officers shall arrange with the designated State agency procedures by which the State clearinghouses may have an opportunity to comment on such requests, if the designated State agency is not also the A–95 clearinghouse. Reporting officers also shall provide the appropriate areawide clearinghouse with the request for comment, and shall allow a minimum of 30 days prior to taking action on the request, unless the clearinghouse states it has no comments.

(ii) Reporting officers shall furnish appropriate State and areawide clearinghouses copies of final FPI reports. The number of copies shall be arranged with the clearinghouses.

§ 384.11 A–95 Liaison Officer.

The Corps Regional Representatives to the Federal Regional Councils, as designated by ER 1165–2–22, will also serve as A–95 Liaison Officers to the appropriate Council. The Liaison Officers will be the central contact point with the Council on A–95 matters as they affect the Corps Civil Works mission in the Region, in accordance with the procedures set forth in ER 1165–2–22.

§ 384.12 Directory of A–95 Clearinghouses.

The directory of clearinghouses may be found in DA Pam 210–4.

§ 384.13 Effective date.

This regulation will be effective 29 April 1976, as published in the FEDERAL REGISTER and revised, as appropriate, based on comments received from the public and Corps field offices.

APPENDIX B—CEQ GUIDELINES FOR EIS REVIEW [1]

APPENDIX IV—STATE AND LOCAL AGENCY REVIEW OF IMPACT STATEMENTS

1. OMB Circular No. A–95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A–95, review of the proposed project in the case of federally assisted projects (Part I of A–95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A–95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (Part II of A–95), Federal agencies are required to consult with clearinghouses at the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A–95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project, and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A–95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Appendix I of the CEQ Guidelines.

[1] Source: Appendix IV to 40 CFR 1500, Preparation of Environmental Impact Statements: Guidelines.

[FR Doc.76–12634 Filed 4–28–76;8:45 am]

federal register

THURSDAY, APRIL 29, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET DEFERRALS

Revision of Two Previous Deferrals

OFFICE OF MANAGEMENT AND BUDGET

BUDGET DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I report revisions to two deferrals previously transmitted.

A deferral for the Department of Health, Education, and Welfare's overseas program of scientific activities has been increased by $10.7 million. In compliance with a court order, another revenue sharing payment—this one for $18.7 million—to the city of Chicago has been deferred by the Department of the Treasury.

The details of each revised deferral are contained in the attached reports.

GERALD R. FORD.

THE WHITE HOUSE,
April 26, 1976.

Contents of Special Message
(in thousands of dollars)

Deferral #	Item	Budget authority
D76-8A	Health, Education, and Welfare	
	Assistant Secretary for Health	
	Scientific activities overseas (Special foreign currency program)....	14,319
D76-25E	Treasury	
	Office of the Secretary	
	State and local government fiscal assistance trust fund.....	113,732*
	Total.....	128,051

* Outlays only.

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Summary of Special Messages
for FY 1976
(amounts in thousands of dollars)

	Rescissions	Deferrals
Fourteenth Special message:		
New items.....	---	---
Changes to amounts previously submitted.....	---	29,382
Effect of the fourteenth special message.....	---	29,382
Previous special messages.....	3,328,714	8,986,767
Adjustments to eliminate double counting.....	---	-242,023
Total amount proposed in special messages.....	3,328,714 (in 44 rescission proposals)	8,774,126 (in 109 deferrals)

NOTE: All amounts listed represent budget authority except for $125,565,331 consisting of two general revenue sharing deferrals (of outlays only). This special message reports a revision to one of these deferrals (D76-25E). The other deferral (D76-67) was reported in the seventh 1976 special message.

D76-8A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 94-344

This report revises Deferral No. D76-8 transmitted to the Congress on July 1, 1975, and printed as House Document No. 94-206 and Senate Document No. 94-70.

The revised deferral reflects an increase of $9,184,098 in the budgetary resources for the account: unobligated balances for the account have been reestimated. All of this amount and a further decrease of $1,483,000 in obligations estimated to be incurred during the fourth quarter of fiscal 1976 produce an increase of $10,667,098 in the amount being deferred. In addition, the deferral is now planned to extend through the transition quarter.

Deferral No: D76-8A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____) $ _____
Bureau Office of the Assistant Secretary for Health	Other budgetary resources 27,443,098*
Appropriation title & symbol 75X1102 Scientific Activities Overseas (Special Foreign Currency Program)	Total budgetary resources 27,443,098*
	Amount to be deferred: Part of year $ 0
	Entire year 14,319,098*
OMB identification code: 09-37-1102-0-1-552	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other _____

*Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have provided funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States that have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries and the funds remain available to HEW until expended.

The amount of funds to be obligated during 1976 and the amount to be deferred to the transition quarter was determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded. The amount being deferred is in excess of current program requirements and is thus reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Some of these funds will be apportioned for obligation in the transition quarter and the remainder will be deferred through September 30, 1976.

*Revised from previous report.

D76-8A

*Estimated Effects:

No programmatic or outlay impact results from this action. This deferral reflects the budgetary resources that will remain available after meritorious scientific projects have been funded in FY 1976.

*Outlay Effect (estimated in millions of dollars):

Comparison with the President's 1977 Budget:	
1. Budget outlay estimate for 1976	$11.3
2. Outlay Savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	11.3
4. With deferral	11.3
5. Current outlay savings	0
Outlay savings for the Transition Quarter	0
Outlay savings for 1977	0
Outlay savings for 1978	0

*Revised from previous report.

D76-25E

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D76-25D transmitted to the Congress on January 23, 1976, and printed as House Document No. 94-342 and Senate Document No. 94-151.

Another regularly scheduled revenue sharing payment to the city of Chicago has been deferred, in compliance with a court order. Consequently, the amount previously reported as deferred has been increased by $18,714,979.

Deferral No: D76-25E

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 92-512): $6,354,780,000
Bureau: Office of the Secretary	Other budgetary resources: 20,554,230,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources: 26,909,010,000
	Amount to be deferred: 1/ Part of year: $ 113,731,836*
	Entire year: None
CMB identification code: 15-70-8111-0-7-851	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other Civil Action No. 74-248
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year 12-31-76 (expiration date)	☐ Contract authority
☒ No-year	☐ Other

Justification*

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. Scheduled payments to State and local governments are made on a quarterly basis. In FY 1975 and FY 1976, six regularly scheduled payments to the city of Chicago have been deferred by the U.S. District Court, D. C., in Civil Action No. 74-248 for noncompliance with nondiscrimination requirements.

Estimated Effect*

The city of Chicago will not receive payments totaling $113.7 million until further action by the court. When the appropriate court order is issued, the deferred funds will be released.

Outlay Effect (estimated in millions of dollars)

Comparison with the President's 1977 Budget:

1. Budget Outlay estimate for 1976	6,358.4
2. Outlay savings, if any, included in the budget outlay estimate	0

1/ Outlays only.
* Revised from previous submission.

Current Outlay Estimates for 1976:	
3. Without deferral	6,358.4
4. With deferral	6,358.4
5. Current outlay savings (line 3 - line 4)	0
Outlay savings for the transition quarter	0
Outlay savings for 1977	0
Outlay savings for 1978	0

[FR Doc.76-12637 Filed 4-27-76;2:50 pm]

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