AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41–No.110
6–7–76
PAGES
22809–22922

federal register

MONDAY, JUNE 7, 1976

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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	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. 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

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

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

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 76-SO-52; Amdt. 39-2632]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-32R-300 Series Airplanes

There has been a report of interference between a fuel line and an attachment screw on PA-32R-300 airplanes that could result in a fuel leak. Since this condition may exist in other airplanes of the same type design, an airworthiness directive is being issued to require fuel line inspection and rerouting, if necessary, on PA-32R-300 airplanes.

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.

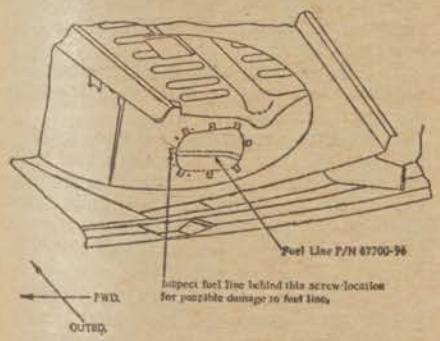
In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to PA-32R-300 airplanes, 32R-7680001 through 32R-7680132, 32R-7680134 through 32R-7680175, 32R-7680177 through 32R-7680200, 32R-7680202 through 32R-7680204 and 32R-7680207, certificated in all categories.

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

To prevent fuel leakage, accomplish the following:

1. For both right and left wings, gain access to the fuel line segment, Piper Part Number 67700-96, through left and right wheel well inboard closeout plates (see sketch below).



VIEW OF LEFT WING WHEEL WELL AREA SHOWN—RIGHT OPPOSITE

2. Inspect fuel lines, Piper Part Number 67700-96, for indication of chafing and/or fuel leakage caused by interference with the close-out plate attachment screws.

a. If a line is damaged, replace with a new fuel line, Piper Part Number 67700-96, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region. If necessary, reform Piper Part Number 67700-96 upon installation to provide a minimum of ¼" clearance with close-out plate attachment screws.

b. If lines are not damaged, hand form, if necessary, to provide a minimum of ¼" clearance with close-out plate attachment screws.

CAUTION

Parts a and b above, if hand forming of line is necessary, form only enough to insure clearance. Avoid "kinking" or restricting line when forming. Check security of fittings and fuel flow through lines after forming.

Piper Service Bulletin No. 503 also pertains to this same subject.

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

This amendment becomes effective June 9, 1976.

Issued in East Point, Georgia, on May 25, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-16240 Filed 6-4-76;8:45 am]

[Airspace Docket No. 76-SW-3]

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

Designation of Transition Area; Withdrawal of Final Rule

The purpose of this notice is to withdraw Airspace Docket No. 76-SW-3 published in the FEDERAL REGISTER April 19, 1976 (41 FR 16453), in which the Federal Aviation Administration (FAA) amended Part 71 of the Federal Aviation Regulations by adding a transition area at Gilmer, Tex. The airport category was also changed from VFR operation to IFR operation.

The Air Transport Association (ATA) petitioned the FAA to withdraw this determination on the basis that insufficient data were provided prior to and with the Notice of Proposed Rule Making to adequately evaluate the impact of the proposed action on other air traffic operating in the Longview, Tex., Gregg County Airport area. In an informal meeting with ATA, the FAA determined that the ATA basis for the petition was legitimate.

Therefore, the FAA has decided by this action to withdraw Airspace Docket No. 76-SW-3 and issue another Notice of Proposed Rule Making which will include sufficient data to adequately evaluate the proposal. This withdrawal does not, however, preclude the FAA from issuing similar dockets in the future, nor does it commit the FAA to any course of action.

In consideration of the foregoing, the final rule published in the FEDERAL REGISTER April 19, 1976 (41 FR 16453), and circulated as Airspace Docket No. 76-SW-3 entitled "Designation of Transition Area" is hereby rescinded.

(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 at Fort Worth, Tex., on May 17, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-16241 Filed 6-4-76;8:45 am]

[Docket No. 15736; Amdt. No. 1023]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 15, 1976:

Evergreen, AL—Middleton Field, VOR/DME Rwy 9, Original.
Anchorage, AK—Anchorage Int'l Arpt., VOR Rwy 6R(TAC), Amdt. 10.
Nome, AK—Nome Arpt., VOR/DME Rwy 9, Amdt. 4.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 13, Amdt. 5.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 31, Amdt. 7.
Dubuque, IA—Dubuque Muni. Arpt., VOR Rwy 36, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., VOR Rwy 17, Amdt. 7.
Kansas City, KS—Fairfax Muni. Arpt., VOR-D, Amdt. 2.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 3, Amdt. 9.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 18, Amdt. 14.
Kansas City, MO—Kansas City Muni. Arpt., VOR Rwy 21, Amdt. 8.
Pulaski, TN—Abernathy Field, VOR/DME Rwy 3, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., LOC Rwy 6L, Amdt. 4.
Cordova, AK—Cordova Mile 13 Arpt., LOC/DME Rwy 27, Amdt. 9.
King Salmon, AK—King Salmon Arpt., LOC/DME(BC) Rwy 29, Original.
Nome, AK—Nome Arpt., LOC/DME(BC) Rwy 9, Amdt. 1.
Dubuque, IA—Dubuque Muni. Arpt., LOC/DME(BC) Rwy 13, Amdt. 1.

* * * effective June 17, 1976:

Oakland, CA—Metropolitan Oakland Int'l Arpt., LOC Rwy 11, Original.
Oakland, CA—Metropolitan Oakland Int'l Arpt., LOC(BC) Rwy 11, Amdt. 2, cancelled.

* * * effective June 10, 1976:

Washington, DC—Dulles International Arpt., LOC(BC) Rwy 1L, Amdt. 4.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., NDB Rwy 6R, Amdt. 4.
Anchorage, AK—Anchorage Int'l Arpt., NDB-A, Amdt. 1.
Windsor Locks, CT—Bradley Int'l Arpt., NDB Rwy 6, Amdt. 22.
Albany, GA—Albany-Dougherty County Arpt., NDB Rwy 16, Original.
Dubuque, IA—Dubuque Muni. Arpt., NDB Rwy 31, Amdt. 4.
Kansas City, KS—Fairfax Muni. Arpt., NDB-B, Amdt. 8.
Kansas City, MO—Kansas City Muni. Arpt., NDB Rwy 18, Amdt. 12.
Beaufort, NC—Beaufort-Morehead City Arpt., NDB Rwy 14, Original.
Beaufort, NC—Beaufort-Morehead City Arpt., NDB Rwy 21, Original.

* * * effective June 17, 1976:

Conway, SC—Conway-Horry County Arpt., NDB-A, Original.
Marion, SC—Marion County Arpt., NDB Rwy 4, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., ILS Rwy 6R, Amdt. 5.
Windsor Locks, CT—Bradley Int'l Arpt., ILS Rwy 6, Amdt. 25.
Dubuque, IA—Dubuque Muni. Arpt., ILS Rwy 31, Amdt. 6.
Kansas City, KS—Fairfax Muni. Arpt., ILS-A, Amdt. 11.
Kansas City, MO—Kansas City Muni. Arpt., ILS Rwy 18, Amdt. 14.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP, effective July 15, 1976:

Anchorage, AK—Anchorage Int'l Arpt., RADAR-1, Amdt. 6.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 15, 1976:

Dubuque, IA—Dubuque Muni. Arpt., RNAV Rwy 36, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., RNAV Rwy 17, Amdt. 1.
Kansas City, KS—Fairfax Muni. Arpt., RNAV-C, Amdt. 3.
Salina, KS—Salina Muni. Arpt., RNAV Rwy 17, Amdt. 3.

(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 May 27, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.76-16239 Filed 6-4-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2818]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hang Ups Sportswear Ltd., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misbranding or mislabeling: § 13.1185 Composition; 13.1185-90 Wool Products Labeling Act; § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; 13.1845-80 Wool Products Labeling Act; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68.)

In the matter of Hang Ups Sportswear Ltd., a corporation, and Bernard Berkoff, Nicholas Lambo, and Robert Berkoff, individually and as officers of said corporation, and Elliot Morris, individually and as a former officer of said corporation

Consent order requiring a New York City importer of fabrics and manufacturer of women's sportswear, among other things to cease violating the Wool Products Labeling Act by falsely and deceptively labeling and misbranding products; and failing to securely affix labels and/or other means of product identification. The Order further requires that purchasers of the misbranded products be informed of the deceptions.

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

ORDER

It is ordered, That respondents Hang Ups Sportswear Ltd., a corporation, its successors and assigns, and its officers, and Bernard Berkoff, Nicholas Lambo, and Robert Berkoff, individually and as officers of said corporation, and Elliot Morris, individually and as a former officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

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

It is further ordered, That the respondent corporation forthwith distribute a copy of this order to each of its operating divisions.

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

It is further ordered, That respondents notify the Commission 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 or 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 respondents 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 May 13, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16303 Filed 6-4-76;8:45 am]

[Docket C-2817]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sound Alike Music Corporation, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.45 Content; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 Content; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1850 Content; § 13.1855 Identity; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively. Subpart—Simulating another or product thereof: § 13.2205 Advertising matter; § 13.2210 Designs, emblems or insignia; § 13.2230 Product Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275-65 Labeding depictions.

(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 Sound Alike Music Corporation, a corporation, and Richard Taxe, individually and as an officer of said corporation

Consent order requiring a Los Angeles, Calif., seller and distributor of tape products, among other things to cease using, in connection with their tape products, deceptive and misleading advertisements, labels, packages and promotional materials which misrepresent performers as original artists. The order further requires respondents to disclose in advertising and on packaging either the name of the actual recording artist or that their tape products are not original artist recordings, and to furnish, for a seven-year period, copies of the order to all retailers and distributors who purchase respondents' products.

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

ORDER

It is ordered, That respondents Sound Alike Music Corporation, a corporation, its successors and assigns, and its officers, and Richard Taxe, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the sale of tape products recorded by a person or persons other than the original artist(s), in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any label, package, catalogue, or any form of advertising, promotional material or point of sale material which:

(a) Contains any likeness of an original artist(s);

(b) Contains any illustration similar to that on the album cover or tape label used in any recording by the original artist(s);

(c) Implies, in any manner, that the tape product has been recorded by an original artist(s).

2. Offering for sale, selling, or distributing any tape product recorded by one other than the original artist(s), unless the tape product's package or label contains either the name(s) of the actual artist(s) or a clear and conspicuous disclosure which reads: "THIS IS NOT AN ORIGINAL ARTIST RECORDING."

(a) If the legend "THIS IS NOT AN ORIGINAL ARTIST RECORDING" is employed, that legend shall appear on the front and spine of the tape product's label in capital letters and in bold-face type set in type of at least the following sizes:

Front of the package, 12-point type.
Spine of the package, 8-point type.

(b) If the name(s) of the actual artist(s) is (are) used in conjunction with the name(s) of the original artist(s), the name(s) of the actual artist(s) shall appear in capital letters and in bold-face type on the same surface of the tape product as the name(s) of the original artist(s) appear(s). The name(s) of the actual artist(s) shall be printed in type which is at least the same size as the type size employed for the name(s) of the original artist(s).

(c) If the name(s) of the actual artist(s) is (are) not used in conjunction with the name(s) of the original artist(s), the disclosure shall comply with the requirements of Paragraph 2(a).

(d) The disclosure employed shall be a separate element, set in contrasting type on a solid-color background and shall not include any part of any picture, design, illustration or other text, provided that if the name(s) of the original artist(s) is (are) used, the name of the actual artist(s) may be placed directly under or adjacent to the name(s) of the original artist(s).

3. Offering for sale, selling, or distributing any sound alike tape product, the title of which does not either name the actual artist or clearly disclose that the tape product is a sound alike recording, by incorporating the words, "Sounds like" or "Sound alike," or words of similar import and meaning.

4. Advertising any tape product not recorded by the original artist(s), unless respondents, in all advertisements of such tape products, either disclose clearly and conspicuously the name(s) of the actual artist(s) for each such recording, or make one clear and conspicuous disclosure which reads: "THIS IS NOT AN ORIGINAL ARTIST RECORDING."

For the purposes of this section of the order, the term "advertisement" shall mean all advertising in newspapers, magazines, catalogues and other printed materials; and advertisements appearing on television and radio.

(a) If the name of each actual artist is not clearly and conspicuously disclosed, respondents shall set forth the disclosure, "THIS IS NOT AN ORIGINAL ARTIST RECORDING," in all printed advertisements, in capital letters and in bold-face type, set in type of at least the following sizes:

Advertisements of a trim size larger than 144 square inches, 24-point type.
Advertisements of a trim size larger than 65 square inches but not larger than 143 square inches, 14-point type.
Advertisements of a trim size larger than 36 square inches but not larger than 64 square inches, 12-point type.
Advertisements of a trim size not larger than 35 square inches, 10-point type.

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

The disclosure shall comply with the requirements of Paragraph 2(d) of this order.

(b) In all radio and television advertisements, the disclosure shall at least be made orally. There must be no less than one half-second pause both before and after the disclosure.

It is further ordered, That respondents may continue to distribute tape products presently in inventory with labels and packaging not bearing the disclosures required by this order, provided that respondents shall affix to each and every tape product a label which contains a clear and conspicuous disclosure which reads, "NOT AN ORIGINAL ARTIST RECORDING."

(a) The disclosure shall be in boldface capital letters, set in at least 14-point type;

(b) The disclosure shall be set in black type on a bright-red background;

(c) The disclosure shall appear as a separate element, and shall not include any part of any picture, design, illustration, or other text.

It is further ordered, That respondents shall, for a period of seven years, deliver a copy of this order to all retailers or distributors known to respondents who purchase respondents' tape products from respondents.

It is further ordered, That a copy of this order be delivered to all present and future personnel of respondents engaged in the design and creation of any packaging or labels for respondents' tape products, and that respondents shall secure from each such person a signed statement acknowledging receipt of said order.

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

It is further ordered, That 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 this order.

The Decision and Order was issued by the Commission May 10, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16302 Filed 6-4-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0011]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Food and Drug Administration is amending the food additive regulations to permit use of an emulsifier in dispersed rosin sizes that are used in the manufacture of paper and paperboard; effective June 7, 1976; objections by July 7, 1976.

Notice was given by publication in the FEDERAL REGISTER of February 10, 1976 (41 FR 5861) that a petition (FAP 6B3157) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2526 (21 CFR 121.2526) be amended to provide for the safe use of tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate as an emulsifier in dispersed rosin sizes to be used as a component of paper and paperboard in contact with food.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2526 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2526 by amending paragraph (a)(5) by adding alphabetically a new item to the list of substances to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate.	For use only as an emulsifier in aqueous dispersions of rosin sizes complying with § 121.2592(a)(4) and limited to use prior to the sheet-forming operation in the manufacture of paper and paperboard at a level not to exceed 0.02 pct by weight of finished paper and paperboard.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 7, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective June 7, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: June 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16310 Filed 6-4-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Emergency Funds Procedures

● Purpose. The purpose of this document is to revise the regulation on Emergency Funds Procedures. ●

The existing regulation is hereby revised for clarification, to cite regulations instead of Federal Highway Administration directives and to renumber the sections to permit future expansion. The revisions are sufficiently extensive to warrant republication of the subpart in its entirety.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 552(a)(2), therefore, general notice of proposed rulemaking is not required. The revisions will become effective on June 9, 1976.

Issued: May 25, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 630 of Subpart E of Title 23, Code of Federal Regulations, is revised to read as set forth below:

Subpart E—Emergency Funds Procedures

Sec.
630.501 Purpose.
630.503 Definitions.
630.505 Requirements.
630.507 Limitations.
630.509 Federal share payable.
630.511 Eligibility of work.
630.513 Application procedures.
630.515 Allocations of funds and submission of programs.
630.517 Processing of emergency projects.
630.519 Expediting emergency projects.

AUTHORITY: (23 U.S.C. 120(f), 125 and 315); Pub. L. 93-288, Sec. 315; 49 CFR 1.48 (b).

§ 630.501 Purpose.

This regulation outlines the procedures to be followed in the administration of emergency funds for the repair or reconstruction of Federal roads and Federal-aid highways damaged or destroyed by natural disasters or catastrophic failures. The emergency relief program is intended to supplement the commitment of resources by States, their political subdivisions, or Federal organizations or agencies to help pay unusually heavy expenses resulting from extraordinary conditions.

§ 630.503 Definitions.

The following definitions shall apply as used in this regulation:

(a) Catastrophic failure—The sudden and complete failure of a major element or segment of the highway system which causes a disastrous impact on transportation services.

(b) Natural disaster—A disaster caused by an extraordinary natural occurrence, such as severe flood, hurricane, severe storm, tidal waves, earthquake, or landslide causing substantial damage over a wide area.

(c) State proclamation—Declaration by the Governor of the affected State issued during or shortly after the occurrence of a natural disaster or catastrophic failure and recognizing the gravity of the situation.

(d) Federal roads—Forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public land development roads and trails, and Indian reservation roads whether or not such road or trail is on any Federal-aid highway system.

(e) Allocation—An amount which is available for emergency relief projects in a State.

(f) Allotment—An amount of obligational authority made available for emergency relief projects.

(g) Agency or organization—Any agency, organization, or person having jurisdiction over Federal roads not on any Federal-aid highway system.

§ 630.505 Requirements.

(a) Damaged highways proposed for repair or reconstruction work must be on a Federal-aid highway system to qualify for emergency funds, except for Federal roads.

(b) Federal roads are eligible for emergency funds whether or not they are on any of the Federal-aid highway systems.

(c) With the exception of expenditures for Federal roads, no emergency funds expenditures shall be made unless the Governor of such State has issued a State proclamation or he has requested a major disaster declaration by the President under the Disaster Relief Act (Pub. L. 93-288). The Federal Highway Administrator's concurrence in the emergency declaration of the Governor is required except where the President has declared such emergency to be a major disaster.

(d) Emergency funds may be expended for the repair or reconstruction of roads and highways only after the Federal Highway Administrator's finding of eligibility under 23 U.S.C. 125(a).

§ 630.507 Limitations.

(a) Extraordinary floods cause natural disasters. Where flooding is a regular and frequent occurrence or results in relatively minor or localized damage to highway facilities, emergency funds will not be granted. Storms of unusual intensity occur over small areas in many of the States each year. The necessary repair of roads and bridges resulting from such localized storms is not eligible for emergency funds.

(b) Serious damage to highways, roads, or trails resulting from a catastrophic failure will not be eligible for emergency funds where the failure is primarily attributable to gradual and progressive deterioration or lack of proper maintenance.

(c) Diligent efforts shall be made to recover repair costs from the legally responsible parties to reduce the project costs where highway damages are caused by ships, barge tows, highway vehicles, vehicles with illegal loads, and similar improperly controlled objects or events.

(d) Damage repair costs funded with assistance under another Federal program or for which compensation from insurance or any other source is received are not eligible for emergency funds. Partial compensation for a loss by other sources will not preclude emergency fund assistance for the part of such loss not compensated otherwise.

(e) Roads and trails which are essentially a cleared way or fire break or which have evolved over time without benefit of engineered construction and maintenance to meet regular traffic service, structural and drainage demands over an extended period of time, are not eligible for emergency funds.

§ 630.509 Federal share payable.

(a) The Federal share payable for repair or reconstruction of highways on the Federal-aid systems, including the Interstate System, shall ordinarily not exceed 70 percent of the cost thereof or the appropriate sliding scale rate in Clause (A) of 23 U.S.C. § 120(a).

(b) When special circumstances warrant, the Federal Highway Administrator may determine it to be in the public interest to increase the Federal share. A determination of public interest will be based largely on the effort expended by the State and local units to meet the total emergency. First responsibility to meet an emergency is with the State and local units of government. An increase in the Federal share is therefore dependent on a strong commitment of State and local resources.

(c) The normal Federal share payable for repair or reconstruction of Federal roads is 100 percent of the cost regardless of whether such highways or roads are on any Federal-aid system.

§ 630.511 Eligibility of work.

(a) Emergency funds may participate in:

(1) Repairs to or reconstruction of seriously damaged highway elements within the right-of-way limits, or in the case of Federal roads within the normal roadway cross section. Restoration of stream channels outside the highway right-of-way, or outside the roadway cross-section on Federal roads, shall not be eligible for emergency funds unless:

(i) The public highway agency has responsibility for the maintenance and proper operation of the stream channel section, and

(ii) The work is necessary to preserve satisfactory operation of the highway system involved.

(2) Relocation or rebuilding, including costs of right-of-way, at higher elevations and the extension, replacement, or raising of any bridges where clearly economically justified to prevent future recurring damage. Economic justification must weigh the cost of the betterment against the risk of eligible recurring damage and the cost of future repair.

(3) Emergency repairs including temporary operations, undertaken during or immediately following the disaster occurrence for the purpose of:

(i) Minimizing the extent of the damage,

(ii) Protecting remaining facilities, or

(iii) Restoring essential travel.

(b) Replacement highway facilities are limited in emergency relief reimbursement to the cost of a new facility to current design standards of comparable capacity and character to the destroyed facility. Emergency fund participation may be prorated to the cost of a comparable facility when the replacement project includes more lanes or betterments not eligible for emergency funds.

§ 630.513 Application procedures.

(a) The State highway agency shall make application for emergency funds to assist in the cost of necessary repair or reconstruction of the Federal-aid highway system without undue delay. The application should include:

(1) The State proclamation or a copy of the request for a Presidential proclamation,

(2) Information on the occurrence of a natural disaster or catastrophic failure including a description of:

(i) The affected area,

(ii) The damage to Federal-aid systems and other highways and bridges, and

(iii) Estimates of the cost of repairs.

(3) When appropriate the State's request for an increase in the Federal share of funding of eligible costs with the supporting data.

(b) When sections of Federal roads not on the Federal-aid system are damaged or destroyed, an application for emergency funds to assist in the cost of necessary repair or reconstruction may be made during or shortly after the disaster by the agency or organization having official jurisdiction over such roads or trails. Such agency or organization shall submit the application for emergency funds to the Federal Highway Administrator with information on the occurrence of a natural disaster or catastrophic failure including a description of:

(1) The affected area,

(2) The damage to Federal roads, and

(3) Estimates of the cost of repairs.

(c) Temporary operations, emergency repairs and preliminary engineering may proceed without prior authorization, but the need for such work must subsequently be approved by the FHWA.

(d) Permanent restoration work shall be performed prior to FHWA authorization unless performed as emergency repairs.

§ 630.515 Allocation of funds and submission of programs.

(a) For Federal-aid system repairs the Administrator's finding of eligibility under 23 U.S.C. § 125 is the basis for emergency fund allocation. At the time of the finding of eligibility an initial allocation of emergency relief funds will be made for use by the applicant State in an amount estimated as sufficient for the current fiscal year requirements.

(b) Following the initial allocation of emergency funds the State highway agency shall promptly submit to the FHWA a program of projects for the particular disaster. The program shall be prepared for each disaster rather than as an annual submission.

(c) For Federal road repairs the Federal Highway Administrator's finding of eligibility will be sent to the applying Federal agency. After such advice that agency shall submit to the FHWA a detailed and individually justified program of projects.

§ 630.517 Processing of emergency projects.

(a) FHWA processing of applications, programs and project requests should be given priority and prompt consideration ahead of nonemergency work.

(b) For projects located on a Federal-aid system processing shall be by the State highway agency in accordance with normal procedures for Federal-aid highway projects except as may be otherwise provided. The written authorization to the State to proceed shall establish the obligation of Federal funds.

(c) For eligible projects not located on a Federal-aid system, the surveys and plans, specifications, and estimates shall be prepared by or under the supervision of the agency or organization having jurisdiction over such roads. Approval of work on Federal roads to be undertaken by the Federal agency with jurisdiction requires a transfer of funds.

(d) Work shall be undertaken by the contract method where feasible. The FHWA may approve a waiver of the advertising requirement if:

(1) Such procedures are authorized by State or local law, and

(2) Bids are solicited from a reasonable number of contractors or material supply companies.

§ 630.519 Expediting emergency projects.

After the approval of a natural disaster or a catastrophic failure and the initial allocation of emergency funds, projects shall be constructed promptly to repair or replace damaged facilities.

[FR Doc.76-16304 Filed 6-4-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-375]

PART 804—LOW RENT HOUSING, HOMEOWNERSHIP OPPORTUNITIES

PART 899—GENERAL

Waiver of Regulatory Requirements

Chapter VIII of Title 24 of the Code of Federal Regulations is being amended to revise Part 899 by redesignating Subpart A—Effective Dates of Provisions of the United States Housing Act of 1937, as Amended by the Housing and Community Development Act of 1974—as Subpart B, and to establish a new Subpart A entitled "Miscellaneous Provisions". In addition, the substance of Section 804.310 (formerly Section 1270.310 in Chapter VIII) is being moved from Part 804 placed in Part 899, and designated as Section 899.101 in Subpart A—Miscellaneous Provisions—of Part 899. This part was published at FR 8056, 2/24/76.

The purpose of these changes is twofold. The rearrangement of materials will provide better organizational structure for Part 899 regulations. Moving the language of Section 804.310 to the new Subpart A of Part 899 will place the provision on waivers, which is applicable to the entire Chapter VIII, in a more logical location.

Inasmuch as existing authority is merely being continued, there is no reason for public procedure. Accordingly, this revision is being made effective immediately. For the same reasons findings of inapplicability with respect to environmental and inflation impacts are not required.

Accordingly, Chapter VIII of Title 24 of the Code of Federal Regulations is hereby amended as follows:

Subpart A [Redesignated]

1. Subpart A of Part 899 in Chapter VIII of Title 24 of the Code of Federal Regulations is redesignated as Subpart B. Sections will become 899.201 through 899.203.

Subpart A [Added]

2. A new Subpart A—Miscellaneous Provisions—is hereby established in Part 899.

§ 804.310 [Removed]

3. Section 804.310 (formerly § 1270.310) is deleted from Part 804 of Chapter VIII of Title 24 of the Code of Federal Regulations.

4. A Section 899.101 is included in Subpart A of Part 899 reading as follows:

§ 899.101 Waivers.

(a) *Basic Provision.* Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this Chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(b) *Reservation of authority by the Secretary.* The authority under Subsection A is reserved to the Secretary and no delegation of this waiver authority shall be effective unless executed subsequent to the June publication date.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); sec. 5(b) of the United States Housing Act of 1937, 42 U.S.C. 1437c(b).)

Effective date: This revision is effective June 8, 1976.

Issued at Washington, D.C., June 1, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-16414 Filed 6-4-76;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-365]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Cranston, Rhode Island

On January 8, 1976, at 41 FR 1476, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Cranston.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Cranston, Rhode Island. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as

soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 445396A, and must be used for all new policies and renewals.

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

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

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

The Honorable James L. Taft, Jr., Mayor, City Hall, 869 Park Avenue, Cranston, Rhode Island 02910.

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

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16375 Filed 6-4-76;8:45 am]

[Docket No. FI-783]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Hitchcock, Texas

On November 14, 1975, at 40 FR 53009, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Hitchcock, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of October 31, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485479C and must be used for all new policies and renewals.

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

The numerous changes made in the base flood elevations on the Hitchcock Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Hitchcock map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16416 Filed 6-4-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

[Directive 76-1]

DRUG ENFORCEMENT ADMINISTRATOR

Redelegation of Functions

Under the authority delegated to the Administrator of the Drug Enforcement Administration by § 0.100 and § 0.104 of Subpart R, Title 28, Code of Federal Regulations, the Appendix to Subpart R is hereby amended as follows:

1. Section 2(b) is amended by inserting a semicolon following U.S.C. 881 in the seventh line and adding the following clauses thereafter to the first sentence.

Sec. 2. *Supervisors and Administrators.*

* * * to adjust, determine, compromise and settle any claim involving the Drug Enforcement Administration under 28 U.S.C. 2672 relating to tort claims where the claim is for property damage not exceeding $250; to release information obtained by DEA and DEA investigative reports under 28 CFR § 0.103(a)(1) and (2); and to authorize the testimony of DEA officials in response to prosecution subpoenas under 28 CFR § 0.103(a)(3).

Sec. 3. [Amended].

2. Section 3(b) is amended by deleting the semicolon following U.S.C. 875 in the fifth line of the sentence and adding "and 876;" thereafter.

Directive 74-3, dated November 12, 1974, 39 FR 224 at p. 40584 (November 19, 1974), relating to the Appendix to Subpart R, which was not printed in Title 28 of the Code of Federal Regulations, is hereby rescinded.

Dated: May 20, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-16365 Filed 6-4-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Transfer of Unused Effective Purchaser Road Construction Credit

On February 20, 1976, the FEDERAL REGISTER (41 FR 7773) contained a notice that the Secretary of Agriculture proposed to amend § 221.7 of title 36 Code of Federal Regulations.

Interested parties were given until March 12, 1976, to submit written data, views or objections pertaining to the proposal. On March 4, 1976 (41 FR 9363), the date was changed to March 25, 1976. On April 6, 1976 (41 FR 14526), the date was changed to April 30, 1976, to allow additional time for interested parties to respond. The written comments filed in response to such notice have been carefully considered.

There were comments that the proposed amendment was too restrictive, not in keeping with the development of the timber sale contract, and that the transfer of purchaser credit should be mandatory and not left to the discretion of the Forest Service. There were other comments that the amendment did not offer sufficient constraints to prevent a significant impact on payments to counties and that the transfer of purchaser credit should be purely discretionary, i.e., a privilege—not a right.

The Act (Pub. L. 94-154) in granting this new authority states, "the Secretary is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused Effective Purchaser Credit * * *" The legislative history indicates that the authority granted in this amendment was to be used with care and discretion. The Senate Committee made it clear it expected the Secretary to consider the impact on payments to counties generally and to specific counties or groups of counties.

A number of comments expressed concern that the proposed amendment and typical contract provision departed from the intent of Pub. L. 94-154 and significantly reduced the increased cash flow for which the legislation was designed. Several respondents indicated that unused effective purchaser credit should be considered as equivalent to cash and that additional cash deposits by the purchaser for cultural work above base rates were not necessary. Other respondents protested limiting the use of transferred purchaser credit to current or subsequent charges for timber. Comments from the forest products industry generally maintained that inclusion of the Claims Collection Act was unnecessary and unwarranted since existing financial requirements provide adequate protection and that purchaser credit in excess of unfulfilled purchaser's obligations should not be restricted.

The proposal is being revised to express the intent of Pub. L. 94-154 that unused purchaser credit once transferred is treated the same as if it were earned on that sale for advance deposits. Its use is limited to current and subsequent charges for timber in excess of base rates, required deposits and cultural needs above base rates. It was not the intent of Pub. L. 94-154 to constrain or encumber the collection of funds authorized by the Knutson-Vandenberg Act (46 Stat. 527; 16 U.S.C. 576-576b), but rather to facilitate the use of Purchaser credit, by transfer, in lieu of cash for stumpage fees. The constraint on cash deposits for cultural work is necessary and appropriate and is therefore retained.

Each timber sale contract should stand alone and action on one contract should not jeopardize the other; however, since purchaser credit can now be transferred, there should be a corresponding and reciprocal transfer of liability and a contractual mechanism provided to collect on the contract to which purchaser credit was transferred. It was determined, however, that such claims against the receiving contract should be limited to an amount equal to the purchaser credit transferred.

36 CFR Part 221 is amended by adding paragraph (g) to § 221.7, to read as follows:

§ 221.7 Appraisal and contract conditions.

* * * * *

(g) For timber sales with an advertised value exceeding $2,000, the Forest Service may permit transfer of unused effective purchaser credit earned after December 16, 1975, from one timber sale account to another timber sale account to the same purchaser within the same National Forest, provided the sale contracts provide procedures for the use of purchaser credit. Approval for transfer shall not be granted for amounts needed to satisfy unfulfilled payment obligations or claims for damages due the United States. Purchaser credit transferred under this paragraph may be used to meet current or subsequent charges for timber. Such transferred purchaser credit may be used only to cover charges for timber in excess of the total of base rates, required deposits and any amount required for cultural work in accordance with the original sale area betterment plan, or revisions thereto approved prior to July 1, 1976.

(1) The Forest Service will consult with local county governments regarding the anticipated impact of transfers on payments to counties under the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). Upon written request from affected counties, the Forest Service may include contract provisions in new sales, which will limit the transfer of purchaser credit to no more than 50 percent of the total available during a specific period when such action is essential to prevent disruptions of essential county programs.

(2) To assure protection of the United States in connection with the implementation of this regulation, contract provisions shall not prevent the Forest Service from carrying out collections rights, authorized by the Claims Collection Act, between contracts involved in the transfer of purchaser credit. Such claims against the contract receiving the transferred purchaser credit shall be limited to the amount transferred.

(3) As used in paragraph (g), the term "Purchaser" includes any single individual, corporation, company, firm, partnership, joint venture, or other business entity or the successor in interest of any of the foregoing business entities, having timber sale contracts on the same National Forest. The term "National Forest" shall be considered as a unit of the National Forest System, regardless of how it was established, which maintains a separate identity with respect to the distribution of receipts earned thereon to the States and counties. The term "Effective Purchaser Credit" means unused purchaser credit which does not exceed current contract value minus base rate value. The term "base rate value" is the sum of the products of base rate and estimated remaining unscaled volumes by species of timber included in a timber sale contract.

(4) Not later than December 31, 1977, an opportunity will be provided for interested parties to comment on the provisions of this section and to suggest changes which may be desirable.

(Pub. L. 94-154, 89 Stat. 823 (16 U.S.C. 535).)

Effective date: July 1, 1976.

ROBERT W. LONG,
Assistant Secretary.

JUNE 2, 1976.

[FR Doc.76-16418 Filed 6-4-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 555-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards; Correction

In the FEDERAL REGISTER of Tuesday, September 9, 1975, the following change is made: on page 41948, under "Subpart E—Arkansas", action number 3, both occurrences of "§ 52.181" should be changed to read "§ 52.182".

Dated: May 28, 1976.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.76-16294 Filed 6-4-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

PART 1-7—CONTRACT CLAUSES

[FPR Amendment 164]

Contract Clauses

This amendment of the Federal Procurement Regulations changes the use requirement for the clause entitled "Insurance—Liability to Third Persons." Currently the clause is prescribed in the "Required Clauses" section of Subparts 1-7.2 and 1-7.4. The amendment moves the clause to the "Additional Clauses" section of the pertinent subparts. The effect of the change is to permit agencies to employ the clause on a permissive use basis. The change reflects a number of questions which have been raised by agencies regarding their authority to provide the indemnification required by the clause. The authority for such indemnification is being reviewed.

The table of contents for Part 1-7 is amended to add new and revised entries as follows:

Sec.
1-7.202-22 [Reserved].
1-7.204-5 Insurance—Liability to Third Persons.
1-7.402-26 [Reserved].
1-7.404-9 Insurance—Liability to Third Persons.

Subpart 1-7.2—Cost Reimbursement Type Supply Contracts

1. Section 1-7.202-22 is redesignated as § 1-7.204-5 and reserved as follows:

§ 1-7.202-22 [Reserved].

§ 1-7.204-5 [Redesignated]

2. Section 1-7.204-5 is added which prescribes the text and contract clause that previously appeared in § 1-7.202-22.

Subpart 1-7.4—Cost—Reimbursement Type Research and Development Contracts

1. Section 1-7.402-26 is redesignated as § 1-7.404-9 and reserved as follows:

§ 1-7.402-26 [Reserved].

§ 1-7.404-9 [Redesignated]

2. Section 1-7.404-9 is added which prescribes the text and contract clause that previously appeared in § 1-7.402-26. However, the three references to § 1-7.202-22 in paragraphs (a) and (b) of the text are changed to read § 1-7.204-5.

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

Effective date: This amendment is effective July 26, 1976, but may be observed earlier.

Dated: May 26, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-16323 Filed 6-4-76;8:45 am]

[FPR Temporary Reg. 38]

PART 1-12—LABOR

Temporary Regulation

To: Heads of Federal agencies.

Subject: Employment of the handicapped.

1. Purpose. This FPR Temporary Regulation implements the provisions of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974, and the revised regulations of the Secretary of Labor regarding the employment and advancement of qualified handicapped individuals.

2. Effective date. This regulation is effective May 17, 1976.

3. Expiration date. This regulation will continue in effect until canceled.

4. Background. The Rehabilitation Act of 1973 (Public Law 93-112, September 26, 1973) and Executive Order 11758, January 15, 1974, provided for the employment of the handicapped. Implementing policies and procedures setting forth the duties of contractors, subcontractors, and agencies were published by the Secretary of Labor on June 5, 1974, in 20 CFR 741 (39 F.R. 20566, June 11, 1974). Federal Procurement Regulations Amendment 131, July 11, 1974 (39 F.R. 26642, July 22, 1974) implemented the Secretary's regulations. The Rehabilitation Act Amendments of 1974 (Public Law 93-516, December 7, 1974) revised the original Act. The Secretary of Labor issued revised regulations on April 9, 1976 (41 F.R. 16147, April 16, 1976). The regulations prescribe a new contract clause, require contractors or subcontractors holding contracts of $50,000 or more and having 50 or more employees to prepare and maintain affirmative action programs at each establishment, and no longer provide for the use of a solicitation certification.

5. Agency action. Pending the issuance of a permanent amendment of the Federal Procurement Regulations Subpart 1-12.13, Employment of the Handicapped, agencies shall include the following affirmative action clause (physically or by reference) in all contracts or purchase orders of $2,500 or more, as required by the regulations of the Secretary of Labor.

EMPLOYMENT OF THE HANDICAPPED

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

Subpart 1-12.13 [Reserved]

6. Effect on other issuances. The text of Subpart 1-12.13, Employment of the Handicapped, is canceled, and the Subpart is reserved.

Dated: May 26, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-16324 Filed 6-14-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20684; FCC 76-480]

PART 1—PRACTICE AND PROCEDURE

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Report and Order; Proceeding Terminated

By the Commission:

In the Matter of Amendment of Parts 1 and 83 of the rules to allow the designated master of a vessel to sign interim ship station license applications.

1. A Notice of Proposed Rule Making in the above captioned matter was released on January 13, 1976, and was published in the FEDERAL REGISTER on January 16, 1976 (41 FR 2397). The time for filing comments and reply comments has expired. No comments were received.

2. This amendment to the rules will permit an applicant's designated master to sign applications for interim ship station licenses and other related documents, for radio equipment on board his vessel. This will enable the procedures encompassing compulsory ship station inspections and the issuance of Safety Convention Certificates to be simplified and expedited.

3. Accordingly, it is ordered, That pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 1 and 83 of the Commission's rules are amended, as set forth below, effective July 8, 1976.

4. It is further ordered, that this proceeding is terminated.

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

Adopted: May 25, 1976.

Released: June 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 1 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

* * * * *

Section 1.913(b) is amended to read as follows:

§ 1.913 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

1. Section 83.25(b) is amended to read as follows:

§ 83.25 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

2. Section 83.35(a) is amended to read as follows:

§ 83.35 Request for interim ship station license.

(a) A formal application for a new ship station license or for a modification of an existing license if required by § 83.33 to authorize the use of telephony and/or radar on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 83.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission or to an authorized representative thereof, or at the Commissions' main office in Washington, D.C.: Provided, That as an alternative procedure, an applicant in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license.

* * * * *

3. Section 83.64 is amended to read as follows:

§ 83.64 Interim ship station license.

Upon request made in accordance with § 83.35, an interim ship station license may be granted by the Commission at its main office in Washington, D.C., or by any of its Engineering Field Offices to authorize the use of a ship station for telephony and/or radar in conformity with the conditions and limitations of §§ 83.369 and 83.405(a) for an interim period of six months pending action by the Commission at Washington, D.C., on the related formal application for regular ship station license or modification of license filed as prescribed by §§ 83.35 and 83.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if, in the discretion of the Commission, the need for such action arises.

[FR Doc.76-16388 Filed 6-4-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 260—INSPECTION AND CERTIFICATION

Deletion of Label Designations for Selected Fishery Products

Notice is hereby given that, pursuant to 16 U.S.C. 742e and 7 U.S.C. 1622, 1624, Part 260 of Title 50 is to be amended by deleting two sections, §§ 260.200 and 260.201, because of a recently promulgated Food and Drug Administration regulation. This amendment will be effective December 31, 1977, when the Food and Drug Administration regulation becomes effective.

The Food and Drug Administration published regulations in the FEDERAL REGISTER of November 24, 1975, 40 FR 54538, which established the common or usual names for certain restructured seafood products, including fish sticks or portions made from minced fish which are regulated by the National Marine Fisheries Service in §§ 260.200 and 260.-201. When §§ 260.200 and 260.201 were promulgated, there were no Food and Drug Administration regulations covering such products.

Under the new Food and Drug Administration regulation in § 102.14 of Part 102 of Title 21 CFR, the common or usual name for those products is "fish sticks or portions made from minced fish." The type size of the words "made from minced fish" is also prescribed in relation to the words "fish sticks or portions."

In light of the Food and Drug Administration's action, §§ 260.200 and 260.201 are now deemed unnecessary and are to be deleted. Since the public has had ample opportunity to comment on the Food and Drug Administration regulation (which in turn influences the National Marine Fisheries Service regulations) the National Marine Fisheries Service has determined that the rulemaking requirements of 5 U.S.C. 553 are unnecessary and therefore need not be complied with. However, any interested persons may submit comments on the regulatory change to the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235 until July 1, 1977.

Dated: June 1, 1976.

ROBERT M. WHITE,
Administrator.

[FR Doc.76-16322 Filed 6-4-76;8:45 am]

PART 285—ATLANTIC TUNA FISHERIES

Reporting Requirement, Certificates; Correction

In FR Doc. 76-14400 appearing at page 20411 in the FEDERAL REGISTER of Tuesday, May 18, 1976, the following changes should be made:

1. On page 20413 the language to § 285.14(e) is corrected to read as follows:

§ 285.14 Reporting requirements.

* * * * *

(e) The owner or master of any vessel certified under § 285.16 and fishing for Atlantic Bluefin tuna shall maintain an accurate log of operations, showing hours fished each day, number and weight of Atlantic bluefin tuna caught (in the case of purse seine vessels, each set made), the date, type of gear used, size of net, area fished, place landed, disposition of fish, tag number, and the estimated round weight in pounds and the number of tuna taken during the reporting period. A duplicate copy of the log sheets must be submitted to the National Marine Fisheries Service at the end of each reporting period per instructions accompanying the log books. Log books will be issued with the certificate and shall be available for inspection by authorized officials.

2. On page 20413, § 285.16(a) is corrected to read as follows:

§ 285.16 Certificates.

(a) The owner of a vessel fishing for Atlantic bluefin tuna weighing in excess of 300 pounds round weight, and all purse seine vessels fishing within the regulatory area must obtain a certificate.

* * * * *

These corrections express the intent of the regulations as reflected in the preamble of the Notice on May 18. Therefore, the corrections are effective immediately; however, no action will be taken against those purse seine vessels who within 30 days of publication of the correction fail to keep or submit logbooks on all catches.

Dated: June 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-16467 Filed 6-4-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 3 to S.O. No. 1238]

PART 1033—CAR SERVICE

Certain Railroads Directed To Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

MAY 28, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of May 1976.

Upon further consideration of Service Order No. 1238 (41 F.R. 14520, 15848, 18850 and 19223), and good cause appearing therefor:

It is ordered, That:

§ 1033.1238 Certain railroads directed to operate portions of lines formerly by railroads in bankruptcy.

Third Revised Appendix A to Service Order No. 1238 be, and it is hereby, substituted for Corrected Second Revised Appendix A thereof; and

It is further ordered, That Service Order No. 1238 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. The provisions of this order shall expire at 12:01 a.m., July 29, 1976, or upon notification to the Commission of the entry of a rail service continuation payment operating agreement, whichever occurs first, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective 12:01 a.m., May 31, 1976.

It is further ordered, That a copy of 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 notice of this order 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.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[S.O. No. 1244]

PART 1033—CAR SERVICE

Soo Line Railroad Co.

MAY 28, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 28th day of May 1976.

It appearing, That by telegram dated May 27, 1976, the Michigan Department of State Highways and Transportation has requested a 60 day extension of the Commission's order requiring the Soo Line Railroad Company (Soo Line) as designated operator of the State of Michigan to continue operation of the Mackinac Ferry to permit the State to finalize arrangements for the continued provision of such service by another operator and has offered to compensate Soo Line for such service in accordance with regulations promulgated by the Rail Services Planning Office in Ex Parte No. 293 (Sub-No. 2), Standards for Determining Rail Service Continuation Subsidies upon entry into an agreement by Soo Line to provide interim service in consideration of the payment of such compensation;

It further appearing, That the State alleges that the failure to extend the service order as requested would result in a disruption of the subject ferry service and might impair its ability to provide for the continuation of such service by an alternate operator, thereby resulting in the ultimate loss of such service;

It further appearing, That the continuation of such service is contemplated by the State's Rail Services Plan filed with the United States Department of Transportation (DOT) pursuant to regulations issued by DOT under Section 402 of the Regional Rail Reorganization Act of 1973, as amended (the Rail Act).

It further appearing, That Soo Line by telegram of May 27, 1976, opposes such extension on the grounds that: (1) the State is not a responsible person as that term is used in Section 304(c) of the Rail Act because of its refusal to assume responsibility for employee protection expenses; (2) no disruption or loss of rail service would result if the ferry were discontinued because of the small amount of traffic involved and its willingness to handle the traffic involved over an alternate all rail route via Chicago, and (3) the public interest does not justify the expense of continuing the operation.

It further appearing, That a State offering to pay a rail service continuation payment in accordance with RSPO's Subsidy Regulation and having the unquestioned authority to do so, subject only to the requirement that the designated operator enter into an agreement to provide the service in question in consideration of the State's agreement to pay, cannot be found not to be "a responsible person" as contended by Soo Line;

It further appearing, That a disruption of service over the rail route utilizing the Mackinac Ferry will occur unless the order is extended by the State and that no provision of the Rail Act empowers the Commission to determine that the public interest will permit the disruption of a service for which a rail service continuation subsidy has been offered by a responsible person or that an alternate route will provide a satisfactory substitute for the service for which a rail service continuation subsidy has been offered as contended by Soo Line; and

It further appearing, That Soo Line does not contend that entry into an agreement as required by the State to permit it to disburse funds to Soo Line pursuant to the RSPO Subsidy Regulations would substantially impair Soo Line's ability to serve adequately its own patrons or to meet its outstanding common carrier obligations, which affords the only statutory basis upon which the Commission would be empowered to relieve it of the obligation for doing so.

It is ordered, That:

§ 1033.1244 Soo Line Railroad Company directed to operate USRA Line No. 442 between St. Ignace, Michigan, and Mackinaw City, Michigan.

(a) The Soo Line Railroad Company be, and it is hereby, directed to operate at the service level indicated in the operating agreement or rail service continuation payment proffered by the State of Michigan, the railroad car ferry formerly operated by the Mackinac Transportation Company (Mackinac), an affiliate of the Soo Line Railroad Company and of the Penn Central Transportation Company, Robert W. Blanchette,

Service Order No. 1238

[3d Revised App. A. Revised May 31, 1976]

Line description USRA No.	From—	To—	Designated operator	Former operator	Person offering rail service continuation payment
*	*	*	*	*	*
533/534/534a	Celina, Ohio, M.P. 127.3.	Celina, Ohio, M.P. 125.8.	Norfolk and Western R.R. Co.	PC	State of Ohio.
	Effective 12:01 a.m., Apr. 15, 1976.				
*	*	*	*	*	*

NOTES

Definition PC=Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. Mc. Arthur, trustees.

USRA line No. 442 deleted—see Service Order No. 1244.

USRA line No. 924 deleted.

[FR Doc.76-16420 Filed 6-4-76;8:45 am]

Richard C. Bond and John H. McArthur, Trustees (Penndel Company and Michigan Central Railroad Company (Lessors)), (PC) and identified as USRA Line No. 442, between St. Ignace, Michigan, and Mackinaw City, Michigan.

(b) *It is further ordered,* That Mackinac and the Trustees of PC described in Section 304(a) of the Regional Rail Reorganization Act of 1973, as amended, shall permit entry onto such properties to allow continuation of service, free of all interference by the Trustees.

(c) *Rates applicable.* Inasmuch as this operation by the designated operators on behalf of the financially responsible persons offering rail service continuation payments over tracks formerly operated by Mackinac and the Trustees is deemed to be due to carrier disability, the rates applicable to traffic routed to, from, or via these lines shall be the rates which were formerly in effect on such traffic when routed via the Trustees, until tariffs naming rates and routes specifically applicable to the lines of the designated operators become effective.

(d) *Divisions of rates.* In transporting traffic over these lines formerly operated by Mackinac and the Trustees, the designated operators and all other 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 the financially responsible persons and said carriers; or upon failure of the parties 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.

(e) *It is further ordered,* That this order shall be effective upon the date of service and the operations which the designated operators are herein directed to perform shall commence at 12:01 a.m., May 31, 1976, and shall remain in effect until 12:01 a.m., June 30, 1976, provided that the State of Michigan has filed with the Commission on or before June 8, 1976, an agreement unconditionally offering to compensate Soo Line in accordance with RSPO Subsidy Regulations for services provided and to be provided pursuant to orders of this Commission under Section 304(d)(3) of the Rail Act.

It is further ordered, That a copy of 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 notice of this order 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.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, members Lewis R. Teeple and Thomas J. Byrne. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-16419 Filed 6-4-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-12468]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Regulation of Municipal Securities Professionals and Transactions in Municipal Securities

On November 26, 1975, the Securities and Exchange Commission announced the adoption of Securities Exchange Act temporary Rule 23a-1(T)[1] relating to the regulation of the activities of certain municipal securities professionals and published proposals concerning the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities.[2] The Commission has considered the comments and suggestions it has received concerning the proposals and has amended Securities Exchange Act Rules 10b-3, 15b8-1, 15b8-2, 15b9-1, 15b9-2, 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7, 15c1-8, 15c2-4, 15c2-5, 15c2-7 and 15c2-11[3] and adopted Securities Exchange Act Rule 15b10-12,[4] effective July 5, 1976. The Commission has also amended Securities Exchange Act temporary Rule 23a-1(T) to extend the exemptions provided by that rule until July 5, 1976.[5] The purpose of the amendments and newly adopted rule is to provide for appropriate application of the rules established for brokers and dealers to transactions in municipal securities by brokers, dealers, and municipal securities dealers and to provide exemptions where such regulation of municipal securities transactions or certain municipal securities professionals would be inappropriate or inadvisable at this time. The Commission has also withdrawn proposed amendments to Securities Exchange Act Rule 10b-16.[6]

RULES UNDER SECTION 15(c)(1) OF THE SECURITIES EXCHANGE ACT OF 1934[7] (THE "ACT") AND RULE 10b-3

Rules adopted under section 15(c)(1) and Rule 10b-3 define practices which are manipulative, deceptive, or fraudulent and are, therefore, prohibited if engaged in by a broker or dealer who makes use of the mails or any means or instrumentality of interstate commerce ("the jurisdictional means") to effect transactions in securities otherwise than on a national securities exchange of which it is a member, or by a municipal securities dealer who makes use of the jurisdictional means to effect transactions in municipal securities. These rules have been applicable since their adoption to transactions by brokers and dealers, including those who confined their dealings to transactions in municipal securities or exempted securities.[8]

In Release No. 11876 the Commission proposed to amend the rules under section 15(c)(1) that specifically refer to brokers and dealers (Rules 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7 and 15c1-8) and Rule 10b-3 (which also specifically refers to brokers and dealers) to include municipal securities dealers.[9] The effect of the proposed amendments would be to prohibit municipal securities dealers from engaging in manipulative acts and practices defined as such by the rules under section 15(c)(1) of the Act with respect to their business in municipal securities. Section 15(c)(1) of the Act provides that, with respect to municipal securities dealers, unlike brokers and dealers, the rules

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[1] 17 CFR 240.23a-1(T).

[2] Securities Exchange Act Release No. 11876 (November 26, 1975), 40 FR 57357 and 60084 (1975) ("Release No. 11876").

[3] 17 CFR 240.10b-3, 240.15b8-1, 240.15b8-2, 240.15b9-1, 240.15b9-2, 240.15c1-1, 240.15c1-3, 240.15c1-4, 240.15c1-5, 240.15c1-6, 240.15c1-7, 240.15c1-8, 240-15c2-4, 240.15c2-5, 240.15c2-7 and 240.15c2-11.

[4] 17 CFR 240.15b10-12.

[5] The Commission is currently studying proposed amendments to Rule 15b1-3 (17 CFR 240.15b1-3) and proposed Rules 15Ba2-4, 15Ba2-5, 15Bc3-1 and 17a-21 (17 CFR 240.15Ba2-4, 240.15Ba2-5, 240.15Bc3-1 and 240.17a-21) which were also announced in Release No. 11876.

[6] 17 CFR 240.10b-16. See, separate document published in this issue.

[7] 15 U.S.C. 78o(c)(1).

[8] See, Securities Exchange Act Release No. 1330 (August 4, 1937), 2 FR 1389 (1937).

[9] Rule 15c1-1 defines the terms "customer" and "completion of the transaction" for purposes of the Section 15(c)(1) series of rules; Rule 15c1-3 prohibits misrepresentation by brokers and dealers as to registration pursuant to Section 15(b) of the Act (15 U.S.C. 78o(b)); Rule 15c1-4 prohibits the effecting of transactions without written confirmations thereof; Rule 15c1-5 prohibits a broker or dealer from effecting a securities transaction for the account of a customer in a security, where the issuer is in a control relationship with the broker or dealer, unless the broker or dealer discloses to the customer the existence of that relationship; Rule 15c1-6 requires disclosure of participation or interest in a distribution; Rule 15c1-7 prohibits "churning"; Rule 15c1-8 prohibits a broker or dealer from representing that a distribution is being made "at the market" unless the broker or dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by him; and Rule 10b-3 prohibits a broker or dealer from using any act, practice or course of business which has been defined by the Commission as within the term "manipulative, deceptive, or other fraudulent device or contrivance" as such term is used in Section 15(c)(1).

adopted thereunder would apply only to their business in municipal securities rather than in all securities (except commercial paper, banker's acceptances or commercial bills). Rules 10b-3 and 15c1-1, as adopted, contain language, which differs from that in the proposed amendments, designed to clarify the scope of the rules in this respect.

Rules adopted under section 15(c)(1), as amended to apply to municipal securities dealers, apply to any transaction in municipal securities engaged in by such persons regardless of the capacity in which they acted (i.e., as fiduciary or agent). Therefore, if a municipal securities dealer is a bank rather than a separately identifiable department or division of a bank, Rule 15c1-6, under the circumstances stated in the rule, would apply to a transaction between the bank and a customer for whom the bank performed fiduciary duties and from whom the bank collected a fee for advising such customer with respect to securities. Similarly, Rule 15c1-4 as amended requires that a bank municipal securities dealer which acts as agent with respect to a transaction in municipal securities, give or send to a customer, at or before the completion of each such transaction, written notice disclosing whether he is acting as an agent for such customer, an agent for some other person, or as agent for both the customer and some other person.[10]

Amendments to Rules 15c1-3, 15c1-5, 15c1-6, 15c1-7 and 15c1-8 were adopted without change, thereby extending the application of those rules to transactions in municipal securities. In its comments on the proposals contained in Release No. 11876, the Municipal Securities Rulemaking Board ("MSRB"), which is required under section 15B(b)(2) of the Act[11] to promulgate rules concerning transactions in municipal securities by brokers, dealers and municipal securities dealers, stated that municipal securities dealers presently represent that securities are being offered "at the market" when they mean "that the price at which the securities are offered relates to the price at which municipal securities of comparable quality and similar characteristics are being traded."[12] Rule 15c1-8, which has applied to transactions in municipal securities since its adoption in 1937,[13] permits a broker or dealer to represent that a security is being offered "at the market" or at a price related to the market price if "such broker or dealer knows *or has reasonable grounds to believe* that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution. * * *" (emphasis supplied). Many investment grade debt securities, which includes certain municipal securities, are not considered unique by investors, and, therefore, trade on the basis of such factors as money market conditions generally, coupon, maturity, yield to maturity and call or redemption provisions. In the case of such securities, the fact that there is an independent market for other classes of securities of the same issuer and for securities of other issuers which have comparable quality and yields, may, under appropriate circumstances, provide reasonable grounds for believing that an independent market exists at the offer for the particular security offered, if offered in blocks of comparable size. Based on that understanding of Rule 15c1-8, the Commission does not believe that its continued application to brokers and dealers, or its extension to municipal securities dealers, should present undue problems to the municipal securities market.[14]

RULES UNDER SECTION 15(c)(2) OF THE ACT[15]

Prior to the Securities Acts Amendments of 1975 ("1975 Amendments"),[16] municipal securities were "exempted securities" under the Act, and section 15(c)(2) of the Act, which by its terms does not apply to "exempted securities," and rules promulgated thereunder were inapplicable to brokers and dealers effecting transactions in municipal securities. As a result of changes in the Act effected by the 1975 Amendments, Rules 15c2-4, 15c2-5, 15c2-7 and 15c2-11 would have become applicable to transactions in municipal securities by brokers and dealers.[17] To preserve the status quo pending careful examination of those rules, the Commission announced the adoption of temporary Rule 23a-1(T) in Release No. 11876.

(1) RULE 15C2-4

The Commission has adopted amendments to Rule 15c2-4, as proposed in Release No. 11876, to extend the application of the rule to bank municipal securities dealers, and, upon the expiration of Rule 23(a)(1)(T) on July 5, 1976, the rule will be applicable for the first time to transactions in municipal securities effected by brokers and dealers. Rule 15c2-4 provides important protections to issuers and purchasers in "best-efforts" and "all-or-none" offerings. The Senate Report on S. 249 states in discussing the amendment of sections 15(c)(1) and (2) and the application of those sections of the Act to transactions in municipal securities:

> This power, which the SEC arguably already has under section 10(b) of the Exchange Act, is included in the bill to make clear that the Commission's responsibility extends beyond sanctioning those who have engaged in manipulative or deceptive practices with respect to municipal securities and includes the promulgation of prophylactic rules.[18]

Rule 15c2-4 is a necessary "prophylactic rule" which should apply to underwritings, other than firm commitment

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[10] Amendments to Rule 15c1-4, as adopted, clarify the proposed amendments. The rule, as amended, does not apply the phrase "acting as broker" to transactions in which a bank municipal securities dealer acts as agent. By definition, a bank is not a broker. Section 3(a)(4) of the Act (15 U.S.C. 78c(a)(4)). 17 CFR 240.0-1(b) provides: "Unless otherwise specifically stated the terms used in this part [which includes Rule 15c1-4] shall have the meaning defined in the Act."

[11] 15 U.S.C. 78o-4(b)(2).

[12] Letter from the Municipal Securities Rulemaking Board to the Securities and Exchange Commission, Feb. 13, 1976. File No. 87-604.

[13] Securities Exchange Act Release No. 1330 (Aug. 4, 1937).

[14] The Commission has held, under Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) and Section 10(b) (15 U.S.C. 78j(b)) and Rules 10b-5 (17 CFR 240.10b-5) and 15c1-2 under the Act, that "a dealer, in quoting prices to customers and selling at such prices, impliedly represents that the sale price bears some relation to a price prevailing in a free and open market." Norris & Hirshberg, Inc., 21 SEC 865, 881 (1946), aff'd 177 F. 2d (D.C. Cir. 1949). The Commission recognizes nevertheless that, as a result of the 1975 Amendments, those concerned with municipal securities have recently given substantial and detailed attention to Commission rules, including rules which have always been applicable to transactions by brokers and dealers in municipal securities. In that connection the Commission understands that the MSRB has taken the lead in exploring whether there are currently conditions or practices in the municipal securities market, or even in the market for other types of debt securities, which would make appropriate any reformulation or further interpretation of Rule 15c1-8 (or other similar rules) with a view to distinguishing more clearly between types of securities or types of customers. The Commission appreciates the efforts of the MSRB and will review carefully any evidence developed as a consequence of that or any other inquiry.

[15] 15 U.S.C. 78o(c)(2).

[16] Pub. L. 94-29 (June 4, 1975).

[17] Rule 15c2-4 requires prompt transmission, or maintenance in escrow, of payments received in connection with distributions which are made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made until some future event or contingency occurs; Rule 15c2-5 prohibits a broker or dealer from arranging a loan for a customer to whom a security is sold (other than a loan in compliance with Regulation T) unless, before the transaction was entered into, the broker or dealer reasonably determined that the transaction, including the loan arrangement, is suitable for the customer and delivers to him a written statement setting forth certain material information as to the nature and extent of a customer's obligations; Rule 15c2-7 requires the identification of quotations furnished in an interdealer quotation system; and Rule 15c2-11 requires that certain information concerning an issuer be available if a broker disseminates any quotation for a security.

[18] S. Rep. No. 94-75, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, 94th Cong., 1st Sess. 50 (1975).

underwritings, of municipal securities as well as corporate securities.[19]

(2) RULE 15C2-5

After considering comments received concerning proposals in Release No. 11876 to apply the disclosure provisions of subparagraph (a)(1) of Rule 15c2-5 to all municipal securities professionals while providing an exemption for all municipal securities transactions from the suitability requirements contained in subparagraph (a)(2) of the rule, the Commission has adopted an exemption for municipal securities transactions from all the provisions of the rule. Thus, Rule 15c2-5 which has never applied to transactions in municipal securities will continue to be inapplicable to such transactions. Rule 15c2-5 is inapplicable to most transactions in securities, and the Commission has determined that it is not necessary, at this time, to impose special requirements with respect to extensions of credit in connection with transactions in municipal securities. Brokers and dealers extending credit in connection with transactions in municipal securities will be subject to Rule 10b-16 and other applicable provisions. Municipal securities dealers will be regulated by the general anti-fraud provisions under the federal securities laws, as well as regulations administered by bank regulatory agencies such as the Truth-in-Lending Act.[20]

[19] Rule 15c2-4 regulates the use which can be made, by brokers, of payments made in respect to securities being offered in underwritings other than firm commitment underwritings. Persons concerned with regulation of municipal securities transactions also draw attention to Rule 10b-9 (17 CFR 240.10b-9), which prohibits certain representations in connection with underwritings and which has been applicable to municipal securities since its adoption in 1962. Rule 10b-9 is intended to protect investors whose decisions to purchase a security in an underwriting are made in the expectation that an investment presents an acceptable risk if, but only if, the issuer received proceeds from the offering to the extent represented ("all or none" or "part or none"). Thus, "[t]he representation is intended to assure subscribers that, if the offering should prove unsuccessful in that less than all or less than the specified minimum number of securities are sold, their funds, or an indicated part of their funds, will promptly be returned." Securities Exchange Act Release No. 11532 (July 11, 1975). Accordingly, Rule 10b-9 would not specifically apply to secondary market transactions where potential purchasers would not be relying on an "all or none" or similar representation in terms of the proceeds to be received by an issuer. Nevertheless, material misrepresentations of any kind, whether in connection with primary or secondary transactions, would violate Rule 10b-5. The Commission understands that the MSRB is investigating the practice of using the term "all or none" in secondary market transactions in municipal securities with a view to determining whether any clarification would be appropriate.

[20] (15 U.S.C. 1601 et seq.).

(3) RULE 15C2-7

In Release No. 11876 the Commission proposed to amend Rule 15c2-7 and to make it applicable to quotations in municipal securities entered in an interdealer quotation system by a broker, dealer, or bank municipal securities dealer. After considering comments received, the Commission has concluded that the need for rules regulating quotations for municipal securities may be different than that for equity securities and has adopted an exemption to Rule 15c2-7 so that the rule will, for the time being, remain inapplicable to transactions in municipal securities. The MSRB is required by section 15B(b)(2)(F) of the Act to propose and adopt rules governing the form and content of quotations for municipal securities and, therefore, adoption of the exemption will allow the MSRB to complete its review of the need for regulation of quotations in municipal securities and, as appropriate, to require implementation of modifications in municipal interdealer quotation systems in an orderly manner.

(4) RULE 15C2-11

The Commission proposed, and has adopted, a complete exemption from the operation of Rule 15c2-11 for quotations in municipal securities. Rule 15c2-11 provides that it shall be a fraudulent, manipulative or deceptive practice within the meaning of section 15(c)(2) of the Act for any broker to disseminate any quotation for a security unless certain information concerning the issuer is available—either in a filing with the Commission or in the broker's own files.

Generally, the type of information required by the rule is that which would be disclosed in a registration statement filed under the Securities Act of 1933 or in the periodic reports filed under the Securities Exchange Act. Since municipal securities and their issuers are currently exempt from federal registration and reporting requirements, the Senate Committee pointed out, in reporting on S. 249, that "Rule 15c2-11 type of information is * * * generally not available for municipal securities and their issuers."[21] The Committee then stated that applying Rule 15c2-11 to municipal securities would "preclude brokers and dealers from submitting quotations on most issues of municipal securities," a development which "would have very serious adverse consequences."[22] The Committee concluded by stating that:

> [i]t expects, therefore, that immediately upon enactment of S. 249, the Commission will exempt municipal securities from Rule 15c2-11.[23]

Accordingly, the Commission has amended Rule 15c2-11 to exempt quotations for municipal securities for the time being.

Qualification Rules

Both the MSRB and the Commission have rulemaking authority with respect to establishing qualification standards for municipal securities professionals. Under section 15B(b)(2)(A) of the Act, the MSRB is required to adopt rules which provide that:

> No municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer meets such standards of operational capability and such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

The Commission's authority in this area is more circumscribed in one respect. Under section 15(b)(7) the Commission may adopt rules establishing standards of operational capability, training, experience and competence, with respect only to registered brokers and dealers—but not banks or separately identifiable departments or divisions of banks.[24]

The Commission currently has two rules dealing with qualifications for brokers and dealers. These two rules were adopted by the Commission under old section 15(b)(8). Rule 15b8-1, which applies only to brokers and dealers registered under section 15 of the Act who are not members of a registered national securities association (i.e., the NASD), provides that nonmember brokers and dealers may not effect over-the-counter transactions in securities unless: (1) each associated person of such nonmember broker or dealer who is engaged directly or indirectly in securities activities any part of which is in (a) sales, (b) trading, (c) research or investment advice, (d) advertising, (e) public relations, (f) hiring or recruitment of salesmen, (g) training of salesmen, or (h) underwriting, and every associated person who supervises others engaged in any of such activities, has successfully completed a general securities examination, and (2) such nonmember broker or

[21] S. Rep. No. 94-75, Report of the Senate Committee on Banking Housing and Urban Affairs to Accompany S. 249, 94th Cong., 1st Sess. 48 (1975).

[22] Id.

[23] Id.

[24] The Commission's authority with respect to establishing qualifications for securities professionals was, however, expanded by the Act. Prior to the 1975 Amendments, old section 15(b)(8) of the Act provided the Commission's authority to set qualifications, but limited such authority to SECO broker/dealers (i.e., those registered brokers and dealers who effected transactions over-the-counter and who were not members of the NASD). The 1975 Amendments renumbered old section 15(b)(8) as 15(b)(7) and expanded its coverage to include all brokers and dealers registered pursuant to section 15 of the Act (15 U.S.C. 78o).

dealer shall have filed with the Commission a Form U-4 [25] for each associated person engaged directly or indirectly in securities activities.

Rule 15b8-2, as recently amended,[26] provides that no registered broker or dealer or associated person of a registered broker or dealer shall be deemed qualified if, by action of a registered national securities association or exchange, such registered broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade. The rule also provides for a procedure for reinstatement upon application to the Commission.

At this time, the Commission continues to believe that the MSRB should, in the first instance, determine which associated persons should be required to take examinations, and what the content of those examinations should be,[27] even though the Commission's explicit authority has now been expanded to include qualifications for all brokers and dealers. On the other hand, the Commission is of the view that municipal securities professionals (other than banks) who are not members of the NASD should be required to file Form U-4 for their associated persons. Inasmuch as the NASD has the authority to require (and is requiring) that brokers and dealers applying for membership in that organization file Form U-4 for their associated persons for the principal purpose of determining whether any such person is subject to a "statutory disqualification," within the meaning of the Act, the Commission has concluded that SECO brokers and dealers should be subject to the same requirement.[28]

Accordingly, the Commission has amended Rule 15b8-1 to require only that nonmember brokers and dealers file Form U-4 on behalf of their associated persons who engage in municipal securities activities, and keep those forms accurate and complete. The Commission believes that requiring Form U-4 for associated persons is necessary to provide information to the Commission concerning the identity and background of associated persons, and that imposing such a requirement will not in any way interfere with the MSRB's function in establishing qualification standards for municipal securities professionals. The Commission also has amended the definition of "nonmember," for purposes of Rule 15b8-1, to include nonbank municipal securities dealers whose business is exclusively intrastate and who register pursuant to section 15B of the Act rather than section 15(b) ("intrastate dealers").

The Commission also has adopted an amendment to Rule 15b8-2. The amendment provides, in addition to the current disqualification, that a registered broker or dealer or associated person is not qualified if suspended or expelled by the NASD for violating a rule of the MSRB which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade. The appeal and reinstatement provisions of the rule remain unchanged, so that the Commission could remove a disqualification under appropriate circumstances.[29]

SECO Fees

Rules 15b9-1 and 15b9-2 under the Act provide for payment of fees and assessments by SECO brokers and dealers and require the filing of forms in connection therewith. Such fees are intended to defray the additional costs associated with regulating persons who are not members of a national securities association. The Commission has amended the definition of the term "nonmember" as used in those rules to make it applicable to intrastate dealers. Since the effective date of the amendment of Rule 15b9-2 is July 5, 1976, intrastate dealers will not be required to pay the annual assessment required by that rule until 1977.

Rules of Fair Practice

Nonmember brokers and dealers are subject to the so-called "SECO program" of the Commission adopted pursuant to sections 15(b) (8), (9) and (10) of the Act.[30] Enacted in 1964 as amendments to the Act, these provisions empowered the Commission to establish for such nonmember broker-dealers and their associated persons supplementary regulatory procedures and rules comparable to those adopted by the NASD for its members and their associated persons. In various rules adopted under the statutory provisions, the Commission has set up specific procedures and norms of conduct closely paralleling those of the NASD in areas such as qualifications of associated persons of broker-dealers (including written examination), fees and assessments, standards for supervision of securities employees, discretionary accounts and suitability of recommendations.

Section 15A(f) [31] of the Act, as redesignated by the 1975 Amendments, provides that section 15A,[32] which deals with the authority of the NASD, is inapplicable to transactions by a broker or dealer in any "exempted security," and, since municipal securities continue to be "exempted securities" for certain purposes under section 15A, including section 15A(b)(6), the NASD has no power to adopt rules prescribing just and equitable principles of trade for municipal securities professionals or to discipline members for violation of existing NASD rules regarding just and equitable principles of trade in connection with municipal securities transactions. Until the MSRB acts pursuant to its authority under section 15B(b)(2)(C) to enact rules applicable to all municipal securities professionals, both muncipal securities brokers and dealers which are members of the NASD, and municipal securities dealers which are banks or departments or divisions of banks, will not be subject to any specific rules dealing with just and equitable principles of trade. In light of the foregoing and in anticipation of the adoption of appropriate MSRB rules covering all municipal securities professionals, the Commission has adopted Rule 15b10-12 exempting from its existing SECO rules persons who are required to register as brokers and dealers solely by reason of acting as municipal

[25] Form U-4 is the new uniform registration form for associated persons. See Securities Exchange Act Release No. 11424 (May 15, 1975), 40 FR 30634 (1975).

[26] Securities Exchange Act Release No. 12160 (March 3, 1976), 41 FR 10599 (1976).

[27] The MSRB has filed, pursuant to section 19(b) of the Act (15 U.S.C. 78s), proposed rules which would establish professional qualification standards. File No. SR-MSRB-76-3. Securities Exchange Act Release No. 12177 (March 8, 1976), 41 FR 10686 (1976).

[28] On May 19, 1976, the MSRB filed, pursuant to Section 19(b) of the Act, a proposed rule which, subject to certain minor variations, would impose substantially similar requirements on all municipal securities professionals, including banks. File No. SR-MSRB-76-5. It currently appears that there would not be any conflict or unnecessary duplication as a result of the amendment of Rule 15b8-1 and the proposed MSRB rule.

[29] The MSRB has filed, pursuant to section 19(b) of the Act, proposed rules which provide that securities professionals who have been disciplined by, or barred or expelled from, an exchange or association for violation of rules governing just and equitable principles of trade in connection with corporate securities activities shall be disqualified from acting as a municipal securities broker or municipal securities dealer, or from acting as an associated person of a municipal securities broker or dealer (unless the Commission removes the disqualification). File No. SR-MSRB-76-3. Securities Exchange Act Release No. 12177 (March 8, 1976), 41 FR 10686 (1976).

[30] These sections were amended and redesignated as Sections 15(b) (7), (8) and (9) by the 1975 Amendments.

[31] 15 U.S.C. 78o-3(f).

[32] 15 U.S.C. 78o-3.

securities brokers or municipal securities dealers.[33]

Extension of Temporary Exemption

The amendments and rule adopted herein become effective July 5, 1976. In order to maintain the regulatory scheme for municipal securities professionals which existed prior to the effectiveness of the 1975 Amendments until such time as the amendments and rule become effective, the Commission has amended, effective May 15, 1976, Securities Exchange Act Temporary Rule 23a-1(T) to extend the exemptions provided in that rule.

Statutory Basis

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), and particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78j, 78o, 78o-4, 78q, and 78w), hereby amends Securities Exchange Act Rule 23a-1(T), effective May 15, 1976; adopts Securities Exchange Act Rule 15b10-12, effective July 5, 1976; and amends Securities Exchange Act Rules 10b-3, 15b8-1, 15b8-2, 15b9-1, 15b9-2, 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7, 15c1-8, 15c2-4, 15c2-7 and 15c2-11 effective July 5, 1976.

The Commission, for good cause, finds that notice, public procedures on, and prior publication, pursuant to 5 U.S.C. 553, of the amendments to Rule 15c1-1, 15c1-4, 15c2-5, 15c2-7 and Rule 23a-1 (T) are unnecessary because of the notice afforded by Securities Exchange Act Release No. 11876 and because the amendment to Rule 23a-1(T) extends existing exemptions. The Commission finds that amendments to Securities Exchange Act Rules 10b-3, 15b8-1, 15b8-2, 15b9-1, 15b9-2, 15c1-1, 15c1-3, 15c1-4, 15c1-5, 15c1-6, 15c1-7, 15c1-8, 15c2-4, 15c2-5, 15c2-7, 15c2-11 and 23a-1(T) and adoption of Rule 15b10-12 impose burdens on competition in that, among other things, they impose fees and filing requirements on, and provide restrictions on the conduct of, persons subject to the rules and in that, pending action by the MSRB, a complete regulatory system will not be in place in the case of those rules for which exemptions have been provided; the Commission further finds, however, that such burdens are appropriate in furtherance of the purposes of the Act because similar fees are paid by other municipal securities professionals (other than banks for which the Act did not contemplate the payment of such fees) and because the restrictions imposed will protect investors from practices, on the part of municipal securities professionals subject to such restrictions, which normally are detrimental to investors.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97-104, 121-127, 137-141, 155-156; sec. 10, 48 Stat. 891; sec. 13, 89 Stat. 131-137 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94-29); (15 U.S.C. 78j; 15 U.S.C. 78o-4), as added by Pub. L. 94-29.)

By the Commission.

Dated: May 20, 1976.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

The first paragraph of § 240.10b-3 is designated paragraph (a) and a new paragraph (b) is added as follows, effective July 5, 1976:

§ 240.10b-3 Employment of manipulative and deceptive devices, by brokers or dealers.

* * * * *

(b) It shall be unlawful for any municipal securities dealer directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to use or employ, in connection with the purchase or sale of any muncipal security, any act, practice, or course of business defined by the Commission to be included within the term "manipulative, deceptive, or other fraudulent device or contrivance," as such term is used in Section 15(c)(1) of the Act.

Rule 15b8-1, 17 CFR 240.15b8-1, is amended by revising paragraph (c)(1) and adding paragraph (d) to read as follows, effective July 5, 1976:

§ 240.15b8-1 Qualifications and fees relating to brokers and dealers who are not members of a national securities association.

* * * * *

(c) * * *

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under sections 15 and 15B of the Act who is not a member of a registered national securities association.

* * * * *

(d)(1) Except as hereinafter provided, the provisions of Rule 15b8-1 shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker, or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer.

(2) No nonmember broker or dealer who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, and no other nonmember broker or dealer, insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer, shall effect any transaction in, or induce the purchase or sale of, any municipal security unless such nonmember broker or dealer meets all the following conditions:

(i) Such a nonmember broker or dealer shall have filed with the Commission a Form U-4 with respect to each associated person engaged directly or indirectly in municipal securities activities, before such person engages in any such activities on behalf of such nonmember broker or dealer;

(ii) Such nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U-4 on behalf of any associated person whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be signed by a principal officer, partner, sole proprietor, managing agent, or any person occupying a similar status or performing similar functions; and

(iii) Such nonmember broker or dealer shall have filed with the Commission on or before July 31 of each year a list of associated persons with respect to whom Form U-4 has been filed with the Commission and who have ceased to be associated persons during the preceding year ending June 30.

Rule 15b8-2, 17 CFR 240.15b8-2, is amended by changing the heading and revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15b8-2 Disqualification of registered brokers and dealers and their associated persons—association or exchange disciplinary actions.

(a) No registered broker or dealer or associated person of a registered broker or dealer shall be deemed qualified pursuant to Section 15(b)(7) of the Act, if, by action of a registered national securities association or exchange, such registered broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule or rule of the Municipal

[33] Rules which are affected by this exemption are Rule 15b10-1 (17 CFR 240.15b10-1), which defines the terms "nonmember broker or dealer," "associated person," and "complaint;" Rule 15b10-2 (17 CFR 240.15b10-2), which requires nonmember brokers and dealers to observe high standards of commercial honor and just and equitable principles of trade; Rule 15b10-3 (17 CFR 240.15b10-3), which prohibits unsuitable recommendations; Rule 15b10-4 (17 CFR 240.15b10-4), which requires that nonmember brokers and dealers exercise diligent supervision over associated persons; Rule 15b10-5 (17 CFR 240.15b10-5), regulating the use of discretionary accounts; Rule 15b10-6 (17 CFR 240.15b10-6), which requires certain records be maintained with respect to customers; Rule 15b10-7 (17 CFR 240.15b10-7), which provides an exception for brokers and dealers who have no customer accounts and have gross income from over-the-counter activities not greater than $1,000; Rule 15b10-8 and 15b10-9 (17 CFR 240.15b10-8 and 240.15b10-9), which regulate the offering of escurities of nonmember brokers or dealers, including the conditions under which such brokers or dealers may underwrite their own securities or the securities of an affiliate; Rule 15b10-10 (17 CFR 240.15b10-10), which prohibits favoring or disfavoring the distribution of shares of openend investment companies on the basis of brokerage commissions received from any source; and Rule 15b10-11 (17 CFR 240.15b10-11), which requires fidelity bonds.

Securities Rulemaking Board which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade or requires any act the omission of which constitutes duct inconsistent with just and equitable principles of trade.

* * * * *

Rule 15b9-1, 17 CFR 240.15b9-1, is amended by revising paragraph (e) to read as follows, effective July 5, 1976:

§ 240.15b9-1 Initial fees for registered brokers or dealers not members of a registered national securities association and their associated persons.

* * * * *

(e) For purposes of this rule:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under Sections 15 or 15B of the Act who is not a member of a registered national securities association.

Rule 15b9-2, 17 CFR 240.15b9-2, is amended by revising paragraph (g) to read as follows, effective July 5, 1976:

§ 240.15b9-2 Annual fees for registered brokers and dealers not members of a registered national securities association.

* * * * *

(g) *Definitions.* For the purpose of this rule:

(1) * * *

(2) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under Sections 15 or 15B of the Act who is not a member of a registered national securities association.

* * * * *

Rule 15b10-12, 17 CFR 240.15b10-12, is added as follows, effective July 5, 1976:

§ 240.15b10-12 Exemption for certain municipal securities brokers and municipal securities dealers.

The following rules of the Commission adopted pursuant to section 15(b) of the Act shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

Rule 15b10-1	Rule 15b10-7
Rule 15b10-2	Rule 15b10-8
Rule 15b10-3	Rule 15b10-9
Rule 15b10-4	Rule 15b10-10
Rule 15b10-5	Rule 15b10-11
Rule 15b10-6	

Rule 15c1-1, 17 CFR 240.15c1-1, is revised to read as follows, effective July 5, 1976:

§ 240.15c1-1 Definitions.

As used in any rule adopted pursuant to section 15(c)(1) of the Act:

(a) The term "customer" shall not include a broker or dealer or a municipal securities dealer; provided, however, that the term "customer" shall include a municipal securities dealer (other than a broker or dealer) with respect to transactions in securities other than municipal securities.

(b) The term "the completion of the transaction" means:

(1) In the case of a customer who purchases a security through or from a broker, dealer or municipal securities dealer, except as provided in subparagraph (2) of this paragraph, the time when such customer pays the broker, dealer or municipal securities dealer any part of the purchase price, or, if payment is effected by a bookkeeping entry, the time when such bookkeeping entry is made by the broker, dealer or municipal securities dealer for any part of the purchase price;

(2) In the case of a customer who purchases a security through or from a broker, dealer or municipal securities dealer and who makes payment therefor prior to the time when payment is requested or notification is given that payment is due, the time when such broker, dealer or municipal securities dealer delivers the security to or into the account of such customer;

(3) In the case of a customer who sells a security through or to a broker, dealer or municipal securities dealer except as provided in subparagraph (4) of this paragraph, if the security is not in the custody of the broker, dealer or municipal securities dealer at the time of sale, the time when the security is delivered to the broker, dealer or municipal securities dealer, and if the security is in the custody of the broker, dealer or municipal securities dealer at the time of sale, the time when the broker, dealer or municipal securities dealer transfers the security from the account of such customer;

(4) In the case of a customer who sells a security through or to a broker, dealer or municipal securities dealer and who delivers such security to such broker, dealer or municipal securities dealer prior to the time when delivery is requested or notification is given that delivery is due, the time when such broker, dealer or municipal securities dealer makes payment to or into the account of such customer.

Rule 15c1-3, 17 CFR 240.15c1-3, is amended by revising the heading and the text to read as follows, effective July 5, 1976:

§ 240.15c1-3 Misrepresentation by brokers, dealers and municipal securities dealers as to registration.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any representation by a broker, dealer or municipal securities dealer that the registration of a broker or dealer, pursuant to section 15(b) of the Act, or the registration of a municipal securities dealer pursuant to section 15B(a) of the Act, or the failure of the Commission to deny or revoke such registration, indicates in any way that the Commission has passed upon or approved the financial standing, business, or conduct of such registered broker, dealer or municipal securities dealer or the merits of any security or any transaction or transactions therein.

Rule 15c1-4, 17 CFR 240.15c1-4, is amended by revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15c1-4 Confirmation of transactions.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of any security (other than U.S. Tax Savings Notes, U.S. Defense Savings Stamps, or U.S. Defense Savings Bonds, Series E, F and G) unless such broker, dealer or municipal securities dealer at or before the completion of each such transaction, gives or sends to such customer written notification disclosing (1) whether such broker or dealer is acting as a broker for such customer, as a dealer for his own account, as a broker for some other person, or as a broker for both such customer and some other person; (2) in any case in which such broker or dealer is acting as a broker for such customer or for such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by such broker or dealer in connection with the transaction; and (3) whether such municipal securities dealer, which is not a broker or dealer, is acting as a municipal securities dealer, as an agent for such customer, as agent for some other person, or as agent for both such customer and some other person.

* * * * *

Rule 15c1-5, 17 CFR 240.15c1-5, is revised to read as follows, effective July 5, 1976:

§ 240.15c1-5 Disclosure of control.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer controlled by, controlling, or under common control with, the issuer of any security, designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, such security unless such broker, dealer or municipal securities dealer, before entering into any contract with or for such customer for the purchase or sale of such security, discloses to such customer the existence of such control, and unless such disclosure, if not made in writing, is supplemented by the giving or sending of written disclosure at or before the completion of the transaction.

Rule 15c1-6, 17 CFR 240.15c1-6, is revised to read as follows, effective July 5, 1976:

§ 240.15c1–6 Disclosure of interest in distribution.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker who is acting for a customer or for both such customer and some other person, or of any dealer or municipal securities dealer who receives or has promise of receiving a fee from a customer for advising such customer with respect to securities, designed to effect with or for the account of such customer any transaction in, or to induce the purchase or sale by such customer of, any security in the primary or secondary distribution of which such broker, dealer or municipal securities dealer is participating or is otherwise financially interested unless such broker, dealer or municipal securities dealer, at or before the completion of each such transaction gives or sends to such customer written notification of the existence of such participation or interest.

Rule 15c1–7, 17 CFR 240.15c1–7, is amended by revising paragraphs (a) and (b) to read as follows, effective July 5, 1976:

§ 240.15c1–7 Discretionary accounts.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for any customer's account in respect to which such broker, dealer or municipal securities dealer or his agent or employee is vested with any discretionary power any transactions or purchase or sale which are excessive in size or frequency in view of the financial resources and character of such account.

(b) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any act of any broker, dealer or municipal securities dealer designed to effect with or for any customer's account in respect to which such broker, dealer or municipal securities dealer or his agent or employee is vested with any discretionary power any transaction of purchase or sale unless immediately after effecting such transaction such broker, dealer or municipal securities dealer makes a record of such transaction which record includes the name of such customer, the name, amount and price of the security, and the date and time when such transaction took place.

Rule 15c1–8, 17 CFR 240.15c1–8, is revised to read as follows, effective July 5, 1976:

§ 240.15c1–8 Sales at the market.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the Act, is hereby defined to include any representation made to a customer by a broker, dealer or municipal securities dealer who is participating or otherwise financially interested in the primary or secondary distribution of any security which is not admitted to trading on a national securities exchange that such security is being offered to such customer "at the market" or at a price related to the market price unless such broker, dealer or municipal securities dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution, or by any person controlled by, controlling or under common control with him.

Rule 15c2–4, 17 CFR 240.15c2–4, is revised to read as follows, effective July 5, 1976:

§ 240.15c2–4 Transmission or maintenance of payments received in connection with underwritings.

It shall constitute a "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act, for any broker, dealer or municipal securities dealer participating in any distribution of securities, other than a firm-commitment underwriting, to accept any part of the sale price of any security being distributed unless:

(a) The money or other consideration received is promptly transmitted to the persons entitled thereto; or

(b) If the distribution is being made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs, (1) the money or other consideration received is promptly deposited in a separate bank account, as agent or trustee for the persons who have the beneficial interests therein, until the appropriate event or contingency has occurred, and then the funds are promptly transmitted or returned to the persons entitled thereto, or (2) all such funds are promptly transmitted to a bank which has agreed in writing to hold all such funds in escrow for the persons who have the beneficial interests therein and to transmit or return such funds directly to the persons entitled thereto when the appropriate event or contingency has occurred.

Rule 15c2–5, 17 CFR 240.15c2–5, is amended by adding paragraph (c) to read as follows, effective July 5, 1976:

§ 240.15c2–5 Disclosure and other requirements when extending credit in certain transactions.

* * * * *

(c) This section shall not apply to any offer to extend credit or arrange any loan, or to any credit extended or loan arranged, in connection with any offer or sale, or attempt to induce the purchase, of any municipal security.

Rule 15c2–7, 17 CFR 240.15c2–7, is amended by revising paragraph (a) to read as follows, effective July 5, 1976:

§ 240.15c2–7 Identification of quotations.

(a) It shall constitute an attempt to induce the purchase or sale of a security by making a "fictitious quotation" within the meaning of section 15(c)(2) of the Act, for any broker or dealer to furnish or submit, directly or indirectly, any quotation for a security (other than a municipal security) to an inter-dealer quotation system unless:

* * * * *

Rule 15c2–11, 17 CFR 240.15c2–11, is amended by adding paragraph (f)(4) effective July 5, 1976, as follows:

§ 240.15c2–11 Initiation or resumption of quotations without specific information.

(f) * * *

(4) The publication or submission of a quotation respecting a municipal security.

* * * * *

Rule 23a–1(T), 17 CFR 240.23a–1(T), is amended by revising paragraph (e) to read as follows, effective May 15, 1976:

§ 240.23a–1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.

* * * * *

(e) This temporary rule shall expire on July 5, 1976.

[FR Doc.76–16127 Filed 6–4–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

United States Standards for Barley; Correction

FR Doc. 75–20584, § 26.202(x), third line, appearing on page 33429 in the issue of Friday, August 8, 1975, is corrected by changing the words "original sample" to read "dockage-free sample."

Dated: June 2, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76–16313 Filed 6–4–76;8:45 am]

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

[Lemon Regulation 42]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 6–12, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.342 Lemon regulation 42.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is only fair this week as cool weather prevails over much of the U.S. Average f.o.b. price was $6.15 per carton the week ended May 29, 1976, compared to $6.29 per carton the previous week. Track and rolling supplies totaled 191 cars as of May 22.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons 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 when this regupermitted, 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 lemons 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 regulaation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 lemons; 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 June 1, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 6, 1970, through June 12, 1976, is hereby fixed at 290,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: June 3, 1976.

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

[FR Doc.76–16578 Filed 6–3–76;4:14 p.m.]

[Lime Regulation 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 6–12, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.301 Lime regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes continues slow. Fresh shipments for the weeks ended May 29, 1976, and May 22, 1976, were 28,826 bushels and 24,591 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes 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 rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded lation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, 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 limes; 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 June 1, 1976.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 6, 1976, through June 12, 1976, is hereby fixed at 30,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 2, 1976.

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

[FR Doc.76–16579 Filed 6–3–76;4:14 pm]

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 STATE

Foreign Service Grievance Board

[22 CFR Ch. IX]

[Docket No. SD-119]

FOREIGN SERVICE GRIEVANCE BOARD REGULATIONS

Proposed Rulemaking

Pursuant to Title VI of the Foreign Service Act of 1946, as amended by Pub. L. 94-141 (90 Stat. 765), notice is hereby given that the Foreign Service Grievance Board proposes to amend Title 22 of the Code of Federal Regulations by adding a new Chapter IX as set forth below, in order to implement the duties prescribed in Section (2)(B) of the act (22 U.S.C. 1037).

Interested persons may participate in the proposed regulations by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Executive Secretary, Foreign Service Grievance Board, Department of State, Washington, D.C. 20520, on or before June 22, 1976. All comments will be considered before final action is taken on the proposed regulation.

1. The table of contents of Chapter IX would read as follows:

CHAPTER IX—FOREIGN SERVICE GRIEVANCE BOARD REGULATIONS

Part
901 General.
902 Organization.
903 Filing and withdrawal of grievances.
904 Jurisdiction.
905 Hearings.
906 Procedures when hearing is not held.
907 Decision making.
908 Miscellaneous.

PART 901—GENERAL

Subpart A—Purpose and Scope
Sec.
901.1 Purpose and scope.
Subpart B—Meanings of Terms as Used in This Chapter
901.10 Act.
901.11 Agency.
901.12 Board.
901.13 Executive secretary.
901.14 Grievant.
901.15 Grievance.
901.16 Party.
901.17 Record of proceedings.
901.18 Representative.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

Subpart A—Purpose and Scope

§ 901.1 Purpose and scope.

The regulations contained in this chapter establish the internal organization and operations of the Foreign Service Grievance Board and prescribe its procedures in:

(a) Determining its jurisdiction over grievances submitted to it for adjudication;

(b) Compiling a record in such grievances;

(c) Mediating such grievances.

(d) Conducting hearings in such grievances, when required or deemed necessary; and

(e) Deciding grievances or otherwise disposing of them, so as to insure a full measure of due process and their just and fair resolution.

Subpart B—Meanings of Terms as Used in This Chapter

§ 901.10 Act.

"Act" means the Foreign Service Act of 1946 (22 U.S.C. 1037), as amended.

§ 901.11 Agency.

"Agency" means the foreign affairs agency—the Department State, the Agency for International Development, or the U.S. Information Agency—employing the grievant or having control over the act or condition forming the subject matter of the grievance.

§ 901.12 Board.

"Board" means the Foreign Service Grievance Board, including any designated panel or member thereof.

§ 901.13 Executive secretary.

"Executive Secretary" means the executive secretary of the board.

§ 901.14 Grievant.

"Grievant" means any Foreign Service officer or employee of the Department of State, U.S. Information Agency, or Agency for International Development, who is a citizen of the United States, or for the purposes of § 901.15 (b) and (c), a former officer or employee of the Service, or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee.

§ 901.15 Grievance.

"Grievance" means (a) any act or condition subject to the control of the Department of State, U.S. Information Agency, or Agency for International Development, (hereinafter referred to as the foreign affairs agency or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulations, or is otherwise a source of concern or dissatisfaction to the grievant. Grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document), or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 623 of the Act or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 516 or 517 of the Act, termination of time limited appointments pursuant to 22 U.S.C. 929 and 1008, and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists. Other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization(s).

(b) Except as provided in paragraph (c) of this section, when the grievant is a former officer or employee or a surviving spouse or dependent family member, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation.

(c) When the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of the Act within six years prior to November 29, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement, or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character.

For the purposes of these regulations, the written complaint concerning any of the acts or conditions specified above may be referred to as the "grievance".

§ 901.16 Party.

"Party" means (a) the grievant; or (b) the agency or agencies having control over the grievance.

§ 901.17 Record of proceedings.

"Record of Proceedings" means the case file maintained by the board on each grievance.

§ 901.18 Representative.

"Representative" means in the case of an agency, the official(s), and in the case of the grievant, the individual(s) or organization(s) identified in writing to the broad as assisting in the presentation of the case.

PART 902—ORGANIZATION

Sec.
902.1 Chairman and deputy chairman.
902.2 Board operations.
902.3 Board staff.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 902.1 Chairman and deputy chairman.

The Chairman presides over meetings of the board. The Chairman shall select one of the board members as his deputy. In the absence of the Chairman, the Deputy Chairman, or in his absence, another member designated by the Chairman, may act for him.

§ 902.2 Board operations.

The board may operate either as a whole, or through panels of three or more members, or through individual members designated by the Chairman.

(a) When operating as a whole, the board may not act in the absence of a quorum. A majority of the members shall constitute a quorum. These regulations, any amendments thereto, and board policies adopted pursuant to section 908.4 shall be adopted only by the board operating as a whole.

(b) Board panels and presiding members shall be designated at the Chairman's discretion subject only to the provisions of section 905.3.

§ 902.3 Board staff.

The Chairman shall select the board's executive secretary and other staff provided for in the Act. The executive secretary and staff shall be responsible only to the board through the Chairman.

PART 903—FILING AND WITHDRAWAL OF GRIEVANCES

Sec.
903.1 Filing.
903.2 Waiver of time limits.
903.3 Record of proceedings.
903.4 Service.
903.5 Acknowledgment.
903.6 Withdrawal.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 903.1 Filing.

Grievances submitted to the board shall be in writing, and shall explain the nature of the grievance and of the remedy sought; shall contain all the documentation furnished to the agency under 3 FAM 664.4-3 and the agency's final review and shall be timely filed in accordance with the provisions of 3 FAM 666.1.

§ 903.2 Waiver of time limits.

Upon a showing of good cause, the board may waive the time limits for the filing of a grievance contained in 3 FAM 666.1. Grievances granted such waivers then will be considered as having been timely filed in accordance with this section, and will be considered for jurisdiction in accordance with the provisions of section 904.

§ 903.3 Record of proceedings.

Upon receipt of the grievance, a record of proceedings shall be established, and the grievance and related material received or obtained by the board shall be placed in it. The record of proceedings shall be held in confidence by the board and only the parties and their representatives shall have access to it.

§ 903.4 Service.

Any party or representative placing a document in the record in connection with a grievance shall serve a copy on the other parties and representatives. The board shall serve copies of its correspondence concerning the grievance on the parties and their representatives.

§ 903.5 Acknowledgment.

Each grievance received shall be acknowledged in writing by the executive secretary of the board within five working days of its receipt. If in the judgment of the executive secretary additional documentation or information must be obtained from either the grievant or an agency for an understanding of the grievance, he may request such materials at the time of acknowledgment.

§ 903.6 Withdrawal.

Grievances may be withdrawn at any time by means of a letter from the grievant or his representative to the board stating that the grievance is withdrawn. Grievances may be administratively determined by the board to have lapsed when the grievant and his representatives fail to respond to written board inquiries or otherwise pursue the case for a period of three months. The board may permit the reopening of lapsed cases upon a showing of good cause.

PART 904—JURISDICTION

Sec.
904.1 General.
904.2 Determinations.
904.3 Appeals.
904.4 Questions of relevancy, materiality, and access.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 904.1 General.

The board's jurisdiction extends to any grievance as defined in § 901.15. Its jurisdiction is subject to certain limitations set forth in Sections 692(1) (B), (C) and (D), and 692(3) and 693(a) of the Act. (See also 3 FAM 660-668.)

§ 904.2 Determinations.

Grievances which the agencies, during their final review, have not held to be excluded from the board's jurisdiction will be presumed to be within the jurisdiction of the board. The board shall resolve questions of jurisdiction prior to resolving the merits of the grievance. Whether questions of jurisdiction are to be resolved prior to or after the board has compiled a record or held a hearing on the merits of the grievance is a matter which the board shall determine on a case-by-case basis depending upon the circumstances of each case.

§ 904.3 Appeals.

Where questions of jurisdiction are decided prior to the final compilation of a record or the holding of a hearing, decisions by the board that a grievance, or any part thereof, is outside its jurisdiction may be appealed to the board within 30 days of the receipt of the written notification of the board's decision. Such an appeal shall be in writing and shall address itself to the Board's decision. The appeal, together with any additional material or evidence furnished by either party as being relevant, will be referred along with the record of proceedings to the board for determination in accordance with § 904.1.

§ 904.4 Questions of relevancy, materiality, and access.

Requests to the board for determination of questions of the relevancy and materiality of documents and other evidence, and requests for rulings on access to classified materials, in connection with jurisdictional issues being considered under this section, shall be made in accordance with the provisions of § 906.3.

PART 905—HEARINGS

Sec.
905.1 When ordered.
905.2 Notification.
905.3 Hearing panels and members.
905.4 Prehearing conferences.
905.5 Powers of presiding member.
905.6 Conduct of hearing.
905.7 Witnesses.
905.8 Failure of party to appear.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 905.1 When ordered.

The board shall conduct a hearing, at the request of the grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under Section 633 of the Act, or which in the judgment of the board can best be resolved by a hearing or by presentation or oral argument.

§ 905.2 Notification.

When the board orders a hearing, the executive secretary shall so notify the parties promptly in writing. The parties shall be given no less than 25 working days' notice of the date and place selected by the board for the hearing. An

earlier date may be set if the parties waive their rights to such notice in writing.

§ 905.3 Hearing panels and members.

Hearings held at a site outside the continental limits of the United States may be presided over by the Chairman, or by a panel or member of the board designated by the Chairman. Unless the board, the agency and the grievant agree to a hearing before a single presiding member designated by the Chairman, all hearings shall be held before a panel of at least three members designated by the Chairman. Each panel shall select one of its members as presiding member.

§ 905.4 Prehearing conferences.

The presiding member may, in his or her discretion, order a prehearing conference (which may be presided over by another member) for the purpose of considering:

(a) The simplification or clarification of the issues;

(b) The serving of interrogatories;

(c) Possible stipulations, admissions, agreements on documents, matters already on record, or similar agreements which will avoid unnecessary proof;

(d) Limitations on the numbers of witnesses, and the avoidance of repetitious testimony;

(e) The possibility of agreement disposing of the grievance, and

(f) Such other matters as may aid in the disposition of the grievance.

The results of the conference shall be reduced to writing by the board and made a part of the record of proceedings.

§ 905.5 Powers of presiding member.

In connection with the hearing, the presiding member shall, as appropriate:

(a) Fix the time and place of the hearing;

(b) Order further conferences for the simplification of the issues or any other purpose;

(c) Regulate the course of the hearing;

(d) Administer oaths and affirmations;

(e) Dispose of procedural requests, and similar matters;

(f) Rule on offers of proof, receive or direct the production of relevant and material evidence, and exclude any irrelevant, immaterial, or unduly repetitious evidence;

(g) Exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing;

(h) Authorize and set the time for the filing of briefs, or other documents;

(i) Grant continuances, and extensions of time;

(j) Reopen the record; and

(k) Take any other action in the course of the proceedings consistent with the purpose of this part.

§ 905.6 Conduct of hearing.

(a) *Authorized attendance.* The grievant, and as determined by the board, a reasonable number of representatives of the grievant's own choosing and a reasonable number of representatives of the foreign affairs agency concerned, are entitled to be present at the hearing. The presiding member, after considering the views of the parties and any other persons connected with the grievance, may permit attendance by others at the hearing.

(b) *Procedure.* Hearings shall be conducted by the presiding member so as to ensure a full and fair proceeding, and the presiding member shall not be limited by the legal rules of evidence, as determined under section 556 of Title 5 of the U.S. Code. However, the presiding member shall exclude irrelevant, immaterial, and unduly repetitious evidence.

(c) *Evidence.* Subject to the presiding member's rulings on the relevancy, materiality, and repetitious nature of evidence, the parties may offer such evidence, including interrogatories, depositions, and agency records as they desire. They also shall produce such additional evidence as the presiding member shall consider relevant and material. Where deemed appropriate by the board, the grievant may be supplied only with a summary or extract of classified material.

(e) *Testimony.* All testimony at a hearing shall be by oath or affirmation.

(f) *Transcript.* In all hearings, a *verbatim* transcript shall be prepared and made a part of the record of proceedings.

§ 905.7 Witnesses.

(a) *General.* The parties and the board have the right to present and cross-examine witnesses. Upon application to the board, the presiding member may permit or order a deposition to be taken, under oath or affirmation, of a witness.

(b) *Notice.* Both the grievant and the agency will give prior written notice to the board and each other of the identity of their witnesses and of the intended scope of their testimony to the extent that this is known in advance. If the presiding member wishes to call witnesses, he will notify the parties of their identity and the intended scope of their testimony. The parties are responsible for notifying their witnesses, and for arranging for their appearance at the time and place set for the hearing; except that, upon request of the board, or upon a request of the grievant deemed relevant and material by the Board, an agency shall promptly make available at the hearing, or by deposition, any witness under the control, supervision, or responsibility of the agency. In any case in which the board determines that the presence of such witness at the hearing is required for just resolution of the grievance, the witness shall be made available at the hearing.

(c) *Examination.* Witnesses called by any party shall be subject to examination by the other party, or their representative(s), and the board. Witnesses called by the board shall be subject to examination by the parties, and their representative(s).

§ 905.8 Failure of party to appear.

The hearing may proceed in the absence of any party who without good cause, after due notice, fails to be present or fails to obtain an adjournment.

PART 906—PROCEDURE WHEN HEARING IS NOT HELD

Sec.
906.1 General.
906.2 Other settlement.
906.3 Rulings on materials.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 906.1 General.

In the case of a grievance which, in the board's judgment, may be resolved without a hearing, the board may request in writing that specified documents or other evidence be furnished to it and/or may direct the executive secretary or his designee from the staff to obtain such additional documents or other evidence as may be necessary to understand and decide the grievance. Copies of any such written request for additional documents or evidence will be sent to the parties and their representatives. When a staff member is assigned to obtain such evidence, the parties and their representatives will be notified in writing of the name of the person or persons so assigned. The staff member shall not participate or advise in the board's decision.

Each party will be offered the opportunity to review and to supplement, by written submissions, the record of proceedings, prior to the Board's closing of the record. The board shall then consider the grievance and make a decision on its disposition, which may include the ordering of a hearing in accordance with § 905. The board's decision shall be based exclusively on the record of proceedings, and otherwise be made in accordance with the provisions of section 907.

§ 906.2 Other settlement.

When a hearing is not contemplated, the board may assign the executive secretary or his designate from the staff to explore with the parties the possibilities of mediating or otherwise settling the grievance. With the consent of the parties, the staff member so assigned may seek to mediate or otherwise settle the grievance.

§ 906.3 Rulings on materials.

In grievances being considered in accordance with this section, all requests to the board: (a) for rulings on the relevancy and materiality of proposed interrogatories, evidence and other documentation; (b) for authorization for the despatch of interrogatories; (c) and for a grievant's access to classified material shall be submitted in writing, with a copy to the other party. After the views of the other party have been obtained in writing, the request, with the record of proceedings, shall be referred to the board for decision. The board may obtain or permit joint oral agreement from the parties and the representatives on such requests.

PART 907—DECISION MAKING

Sec.
907.1 Basis.
907.2 Action by board.
907.3 Board orders.
907.4 Board recommendations.
907.5 Other decision.
907.6 Summaries of board decisions.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 907.1 Basis.

Decisions of the board shall be made in accordance with section 692(12) of the Act.

§ 907.2 Action by board.

Matters of fact will be decided by the board member or members who either conducted the hearing; or, in the case of grievances which were not the subject of a hearing, who were assigned by the Chairman to decide the case. The board will issue a written decision setting forth its findings of fact and reasons for its decision.

§ 907.3 Board orders.

Where the board's decision imposes action on an agency under the provisions of section 692 (13 of the Act the board's decision shall be in the form of a remedial order addressed to the designated official of the agency.

§ 907.4 Board recommendations.

Where the board's decision is a recommendation under the provisions of section 692 (14) of the Act, it shall be directed to the head of the agency.

§ 907.5 Other decision.

Where the board's decision requires no action by an agency, it shall be in the form of a memorandum.

§ 907.6 Summaries of board decisions.

The board may, from time to time, issue such summaries of its decisions as it may consider necessary to permit the agencies, the exclusive representative organization(s), and the officers and employees of the Service to become aware of the general nature of the cases it has received and their manner of disposition, without invading the privacy of the grievants.

PART 908—MISCELLANEOUS

Sec.
908.1 Recognition of others with a connection to the grievance.
908.2 Requests to reopen cases.
908.3 Suspension of agency actions.
908.4 Board policy statements.
908.5 Representatives and spokesmen.
908.6 Service of communications.

AUTHORITY: Sec. 692(2)(B) of the Foreign Service Act, as amended (22 U.S.C. 1037); Pub. L. 94-141.

§ 908.1 Recognition of others with a connection to the grievance.

An individual, an agency, or an exclusive representative organization may request recognition by the board as having a connection with the grievance. The board, after obtaining the views of the parties, may grant such recognition upon a showing of good cause.

§ 908.2 Requests to reopen cases.

Cases which have been decided may be reopened by the Board only upon the presentation of newly discovered or previously unavailable material evidence not previously considered.

§ 908.3 Suspension of agency actions.

If the board determines that the agency is considering any action of the character of a separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the board shall notify the agency of its determination and direct the suspension of such action pending the board's decision of the grievance.

§ 908.4 Board policy statements.

The board may establish and publish its policies on matters related to its operations and procedures.

§ 908.5 Representatives and spokesmen.

The grievant and the agency may have reasonable numbers of representatives as determined by the board to assist in the presentation of their cases. The board may require the parties to designate one of their representatives as principal spokesman.

§ 908.6 Service of communications.

Copies of all communications between a party and the board will be served on the other party, including representative(s), and it is the responsibility of the initiator of the correspondence to insure that the required copies are provided.

Dated: June 2, 1976.

ALEXANDER B. PORTER,
Chairman, Foreign Service Grievance Board.

[FR Doc.76-16468 Filed 6-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 14]

IMPORT, EXPORT, AND INTERSTATE TRANSPORTATION OF WILDLIFE

Proposed Simplification of Marking Requirement for Containers of Fish or Wildlife

Notice is hereby given that the U.S. Fish and Wildlife Service proposes to amend section 14.82 of Subchapter B, Chapter I of Title 50, C.F.R. The amendment will (1) provide an alternative to the requirement that certain information must be marked on the exterior of packages or containers used to transport fish and wildlife in interstate or foreign commerce; (2) allow a notation of the weight of each species transported in a package or container of fish to be substituted for a notation of the number of each species transported; and (3) require the marketing of all packages or containers holding shellfish or fishery products.

The proposed amendment would continue the present requirement, and would reinstate the requirement of the Black Bass Act (16 U.S.C. 852a), for providing certain information with all packages or containers of fish or wildlife that move in interestate or foreign commerce, while allowing certain alternatives that are consistent with industry practice. Preently, the Lacey Act (18 U.S.C. 44) and the Black Bass Act require every package or container containing fish or wildlife and moving in interstate or foreign commerce to be marked with the name and address of the shipper and the consignee and an accurate statement of the contents by species and number(s) of each species of wildlife contained in the package. This information must be clearly and conspicuously marked on the outside of package or container. Various industries have found problems with this marking requirement. In some industries the problem of theft of valuable property has been aggravated by the requirement that the nature of the property be clearly marked on the outside of the package, or that a special permit be obtained from the Fish and Wildlife Service which enables the shipper to use a symbol instead of the marking. In certain other industries, shippers find that the marking requirement divulges information to competitors that they would rather keep private.

The Service has decided that the marking requirement can be complied with through the use of an alternative method, which does not at all detract from the purpose or intent of the statutory requirements. The marking requirement has been and continues to be an important tool in the enforcement of various wildlife laws. Unfortunately, we have had much experience with packages and containers marked "household goods" or other such misleading descriptions, containing prohibited items of wildlife. The marking requirement, by making it a punishable offense to mismark or fail to mark packages containing fish or wildlife, helps to avoid these and other practices.

The proposed amendment would continue the present requirements that the package or container be marked with all the information referred to above, but would offer an alternative. If the details required by the statutory language are not marked on the outside of the package or container, then either the word "fish" or the word "wildlife" must appear on the outside of the package. If the alternative is chosen, then some shipping document containing all the required information must be securely attached to the outside of the container where it is readily accessible by enforcement personnel.

PUBLIC COMMENTS SOLICITED

The Director intends that the final rulemaking be consistent with the conservation needs of wildlife while at the same time trying to take into account the legitimate needs of industry and trade. He therefore desires to obtain comments

and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules. The final rulemaking will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than July 7, 1976, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in suite 600, 1612 K Street, NW., Washington, D.C. This notice of proposed rulemaking is issued under the authority of the Lacey Act (18 U.S.C. 43) and the Black Bass Act (16 U.S.C. 852a).

Dated: May 28, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to revise § 14.82(a) and adding paragraph (e) to read as follows:

§ 14.82 Exception to the marking requirements.

(a) *Commercial shellfish or fishery products*—Packages or containers holding shellfish or fishery products, as defined in § 14.21, moved in interstate or foreign commerce may be marked with the weight of the contents by species in lieu of the numbers of each species contained therein as required in § 14.81. An accurate statement of such weights may also be used in lieu of numbers of the optional marking exceptions of § 14.82(e).

* * * * *

(e) *Optional marking*—The requirements of § 14.81 do not apply if the word "Fish" or the word "Wildlife," whichever is appropriate, is clearly and conspicuously marked on the outside of each package or container; and

(1) A packing list or invoice is securely attached to the package or container in a resealable envelope stating the name and address of the shipper and consignee and an accurate statement of the contents by species and numbers of such species of fish and wildlife contained therein; or

(2) Where the shipment consists of more than one package or container, the packages or containers shall be consecutively numbered in such a manner that the numbers are readily visible to a casual observer. If one packing list or invoice is used, the packing list or invoice shall be securely attached in a resealable envelope to container number one (1) of consecutively numbered packages or containers. Such packing list or invoice shall include the name and address of the shipper and consignee and an accurate statement of the contents by species and numbers of such species of fish and wildlife clearly showing the contents of each package or container in the shipment.

[FR Doc.76-16417 Filed 6-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR GRADES OF PECANS IN THE SHELL [1]

Proposed Revisions

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Pecans in the Shell (7 CFR §§ 51.1400–51.1415). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file same, in duplicate, not later than July 15, 1976, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b).)

STATEMENT OF CONSIDERATIONS LEADING TO THE PROPOSED REVISION OF THE GRADE STANDARDS

These standards were last revised in 1972 by adding a new optional determination section for kernel moisture and edible kernel content.

The Pecan Distributors Association, Inc., has expressed growing dissatisfaction with the standards and have requested a revision to bring them more in line with current harvesting and marketing practices. The Association membership represents a major portion of the in-shell pecan industry.

Department representatives met with a newly formed pecan industry Grades and Standards Committee to review their recommendations for changes in the standards.

The proposed changes are as follows:

(1) The U.S. Commercial grade would be renamed U.S. No. 2 to be consistent with the Department's proposal to respond to current demands for more uniform grade nomenclature than presently exists. This was endorsed by the industry grades and standards committee.

(2) Serious damage by live insects would be restricted to one-half of one percent for kernels in the U.S. No. 1 and No. 2 grades. Current standards permit five and six percent for serious damage in U.S. No. 1 and U.S. Commercial grades respectively. The entire serious damage tolerance could consist of live insects if no other defects were present. Modern technology is credited with the sharp decrease in live insects affecting pecans.

(3) Serious damage for kernel defects in the U.S. No. 1 grade would be seven percent, including six percent for kernels affected by rancidity, mold, decay or serious injury by insects, and included therein, not more than one-half of one percent for live insects inside the shell.

Often pecans have seriously damaged kernels that are fully developed and not detectable without shelling. Unless there is an external indication of kernel defects it is virtually impossible for processors to remove all seriously damaged pecans.

(4) The U.S. No. 2 kernel tolerance for serious damage would remain ten percent and would include a seven percent tolerance for kernels affected by rancidity, mold, decay or serious injury by insects, and included therein, not more than one-half of one percent for live insects inside the shell.

(5) A new Application of Tolerances Section would be provided for individual one-hundred nut samples. Individual samples would be permitted one and one-half times any tolerance greater than five percent and not more than double any tolerance of five percent or less, provided that the averages for the entire lot are within the tolerances specified.

(6) A new section, Sample for Grade or Size Determination, would provide an individual fixed sample size of one-hundred nuts. The number of individual samples would vary with the size of the lot.

(7) The Optional Determination Section would be expanded to report the percentage of edible kernels, their skin color, development and moisture content. A definition of "Inedible kernels" would be added. Increasing interest has been expressed by growers and buyers who use these factors to determine value.

(8) The Metric Conversion Table would be eliminated. However, metric equivalents would be provided directly following the nonmetric measure.

The proposed standards, as revised, are as follows:

GRADES

Sec.
§ 51.1400 U.S. No. 1.
§ 51.1401 U.S. No. 2.

SIZE CLASSIFICATION

§ 51.1402 Size classification.

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

TOLERANCES

§ 51.1404 Tolerances.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

APPLICATION OF TOLERANCES

§ 51.1405 Application of tolerances.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.1406 Sample for grade or size determination.

DEFINITIONS

§ 51.1407 Fairly uniform in color.
§ 51.1408 Loose extraneous or foreign material.
§ 51.1409 Well developed.
§ 51.1410 Fairly well developed.
§ 51.1411 Poorly developed.
§ 51.1412 Well cured.
§ 51.1413 Damage.
§ 51.1414 Serious damage.
§ 51.1415 Inedible kernel.

OPTIONAL DETERMINATIONS

§ 51.1416 Optional determinations.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material.

(b) Shells are: (1) Fairly uniform in color; and, (2) Free from damage by any cause.

(c) Kernels are: (1) Free from damage by any cause.

(d) For tolerances see § 51.1404.

§ 51.1401 U.S. No. 2.

The requirements for this grade are the same as for U.S. No. 1 except for:

(a) No requirement for uniformity of color of shells; and,

(b) Increased tolerances for defects see § 51.1404.

SIZE CLASSIFICATION

§ 51.1402 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100 nut sample:

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 pct of the total weight of 100-nut sample.
Extra large	56 to 63	
Large	64 to 77	
Medium	78 to 95	
Small	96 to 120	

KERNEL COLOR CLASSIFICATION

§ 51.1403 Kernel color classification.

(a) The skin color of pecan kernels may be described in terms of the color classifications provided in this section. When the color of kernels in a lot generally conforms to the "light" or "light amber" classification, that color classification may be used to describe the lot in connection with the grade.

(1) "Light" means that the outer surface of the kernel is mostly *golden* color or lighter, with more than 25 percent of the outer surface darker than *golden*, none of which is darker than *light brown*.

(2) "Light amber" means that more than 25 percent of the outer surface of the kernel is *light* brown, with not more than 25 percent of the outer surface darker than *light brown*, none of which is darker than *medium brown*.

(3) "Amber" means that more than 25 percent of the outer surface of the kernel is *medium brown*, with not more than 25 percent of the outer surface darker than *medium brown*, none of which is darker than *dark brown* (very dark-brown or blackish-brown discoloration).

(4) "Dark amber" means that more than 25 percent of the outer surface of the kernel is *dark brown*, with not more than 25 percent of the outer surface darker than *dark brown* (very dark-brown or blackish-brown discoloration).

(b) U.S. Department of Agriculture kernel color standards, Pec-MC-1, consisting of plastic models of pecan kernels, illustrate the color intensities implied by the terms "golden," "light brown," "medium brown" and "dark brown" referred to in paragraph (a) of this section. These color standards may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such service. Duplicates of the color standards may be purchased from NASCO, Fort Atkinson, Wisconsin 53538.

TOLERANCES

§ 51.1404 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. No. 1:*

(1) *For shell defects, by count:*

(i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) *For kernel defects, by count:*

(i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or any specified color classification, including therein not more than 7 percent for kernels which are seriously damaged: *Provided*, That not more than six-sevenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And Provided further*, That included in this 6 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: *Provided*, That these kernels meet the requirement for the grade other than for skin color.

(3) *For loose extraneous or foreign material, by weight:*

(i) 0.5 percent (one-half of 1 percent).

(b) *U.S. No. 2:*

(1) *For shell defects, by count:*

(i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) *For kernel defects, by count:*

(i) 30 percent for pecans with kernals which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged: *Provided*, That not more than seven-tenths of this amount, or 7 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects: *And Provided further:* That included in this 7 percent tolerance not more than one-half of one percent shall be allowed for pecans with live insects inside the shell.

(3) *For loose extraneous or foreign material, by weight:*

(i) 0.5 percent (one-half of 1 percent).

APPLICATION OF TOLERANCES

§ 51.1405 Application of tolerances.

Individual 100-count samples shall have not more than one and one-half times a specified tolerance of 5 percent or more and not more than double a tolerance of less than 5 percent, except that at least one pecan which is seriously damaged by live insects inside the shell is permitted: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLE FOR GRADE OR SIZE DETERMINATION

§ 51.1406 Sample for grade or size determination.

Each sample shall consist of 100 pecans. The individual sample shall be drawn at random from a sufficient number of packages to form a 100-count composite sample. The number of such individual 100-count samples drawn for grade or size determination will vary with the size of the lot. When practicable, at point of packaging the sample may be obtained from the grading belt after sorting has been completed.

DEFINITIONS

§ 51.1407 Fairly uniform in color.

"Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

§ 51.1408 Loose extraneous or foreign material.

"Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

§ 51.1409 Well developed.

"Well developed" means that the kernel has a large amount of meat in proportion to its width and length. (see Figure 1)

§ 51.1410 **Fairly well developed.**

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to extent that they have reduced the meatiness of the kernel. (see Figure 1)

§ 51.1411 **Poorly developed.**

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (see Figure 1)

PECAN CROSS SECTION ILLUSTRATION

1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.

2. FAIRLY WELL DEVELOPED

Lower limit for U.S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.

3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

Figure 1.

§ 51.1412 **Well cured.**

"Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§ 51.1413 **Damage.**

"Damage" means any specific defect described in this section; or an equally objectional variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure;

(c) Broken shells when any portion of the shell is missing;

(d) Kernels which are not well cured;

(e) Poorly developed kernels;

(f) Kernels which are dark amber in color;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch (3 mm) in greatest dimension;

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel; and,

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch (6 mm) lengthwise beneath the center ridge, or an equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

§ 51.1414 **Serious damage.**

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch (6 mm) in diameter;

(c) Worm holes when penetrating the shell;

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(f) Decay affecting any portion of the kernel;

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding;

(h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel;

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel; and,

(k) Undeveloped kernels having practically no food value, or which are blank (complete shell containing no kernel).

§ 51.1415 **Inedible kernels.**

"Inedible kernels" means that the kernel or pieces of kernels are rancid, moldy, decayed, injured by insects or otherwise unsuitable for human consumption.

OPTIONAL DETERMINATIONS

§ 51.1416 **Optional determinations.**

The determinations set forth herein are not requirements of these standards. They may be performed upon request in connection with the grade determination or as a separate determination. Samples of pecans for these determinations shall be taken at random from a composite sample drawn throughout the lot.

(a) *Edible kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of edible kernel content. After the sample is weighed and shelled, edible appearing half kernels and pieces of kernel shall be separated from shells, center wall, and other non-kernel material, and inedible kernels (see § 51.1415) and pieces of kernels, and weighed to determine edible kernel content for the lot.

(b) *Poorly developed kernel content.* A minimum sample of at least 500 grams of in-shell pecans shall be used for determination of poorly developed kernel content. The amount of poorly developed kernels and pieces of kernels shall be weighed to determined poorly developed kernel content of the lot (see § 51.1411 and Figure 1).

(c) *Edible kernel content color classification.* The amount of "Light," "Light amber," "Amber," "Dark amber" and darker shades of skin color shall be determined according to § 51.1403, Kernel Color Classification. The total weight of edible kernels and pieces of kernels shall be the basis for determining color classification content for the lot.

(d) *Kernel moisture content.* The sample of pecans for determination of kernel moisture content shall be shelled immediately before analysis and all shells, center wall and other non-kernel material removed. The air-oven or other methods or devices which give equivalent results shall be used for moisture content determination.

Dated: June 2, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-16314 Filed 6-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 207]

[Docket No. 76P-0071]

DRUG LISTING ACT OF 1972

Revision of Implementing Regulations

Correction

In FR Doc. 76-12269 appearing at page 17754 in the FEDERAL REGISTER of Wednesday, April 28, 1976 the following correction should be made:

On page 17755, second column, fourth paragraph from the top beginning "Interested persons * * *", in the second line, the year should read "1976".

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Provision To Prevent Reduction of Prevailing Charges Below Fiscal Year 1975 Levels as a Result of Application of the Economic Index Limitation

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to Subpart E of Regulations No. 5 set forth in tentative form below, is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The initial application of the economic index limitation on increases in prevailing charges was mandated in section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)), as amended by section 224(a) of Public Yaw 92-603, the Social Security Amendments of 1972, and was reflected in an amendment to Regulations No. 5, Subpart E, on June 16, 1975. This initial application resulted in more severe reductions than had been expected in otherwise allowable prevailing charges calculated for fiscal year 1976. In many cases, the levels were below the levels for fiscal year 1975. After Congress became aware of this unintended effect, it passed corrective legislation. Section 101 of Public Law 94-182 provides that prevailing charge levels for physicians' services for fiscal year 1976 may not, as a result of the application of economic index data, be reduced below fiscal year 1975 levels. It further provides that if the amount paid on any claim previously processed by a carrier was at least $1 less than the correct amount that is due pursuant to the new legislation, the difference between the amount previously paid and the correct amount due shall be paid by the carrier within six months after December 31, 1975, the date of enactment of Public Law 94-182. However, payment shall not be made on any claim where the correct amount due is less than $1. Medicare carriers have already been instructed to make the necessary payments in accordance with the above statutory provisions. The proposed amendment would implement the statutory requirement contained in section 101 of Public Law 94-182.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before July 7, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1842(b)(3), as amended, and 1871, 49 Stat. 647, as amended; 79 Stat. 309, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395u(b)(3), as amended, and 1395hh.

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

Dated: April 23, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 1, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising paragraph (a)(3)(ii) of § 405.504 to read as follows:

§ 405.504 Determining prevailing charges.

(a) * * *

(3)(i) * * *

(ii) If the increase in the prevailing charge in a locality for a particular medical item or service resulting from an aggregate increase in customary charges for that item or service does not exceed the index determined under paragraph (a)(3)(i) of this section, the increase is permitted and any portion of the allowable increase not used is carried forward and is a basis for justifying increases in that prevailing charge in the future. However, if the increase in the prevailing charge exceeds the allowable percentage of increase, the increase will be reduced to the allowable percentage. Further increases will be justified only to the degree that they do not exceed further rises in the economic index. (Notwithstanding the provisions of paragraphs (a)(2) and (a)(3)(i) of this section, the prevailing charge level in the case of a physician service in a particular locality determined pursuant to paragraphs (a)(2) and (a)(3)(i) of this section for the fiscal year beginning July 1, 1975, shall, if lower than the prevailing charge level for the fiscal year ending June 30, 1975, by reason of the application of economic index data, be raised to such prevailing charge level which was in effect for the fiscal year ending June 30, 1975. If the amount paid on any claim previously processed was at least $1 less than the correct amount due pursuant to the preceding sentence, the difference between the amount previously paid and the correct amount due shall be paid within 6 months after December 31, 1975; however, no payment shall be made on any claim where the difference between the amount previously paid and the correct amount due is less than $1.)

* * * * *

[FR Doc.76-16391 Filed 6-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2010]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Temple Terrace, Florida

The Federal Insurance Administrator, in accordance with section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Temple Terrace, 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 Temple Terrace 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, 113 N. Glenarven, Temple Terrace, Florida.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph C. Bonbi, City Hall, 113 N. Glenarven, Temple Terrace, Florida. 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.

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
Hillsborough River	Flower Ave	36	640	
	Whiteway Dr	35	200	
	Temple Terrace Rd. (Bullard Parkway)	31	40	

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16148 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2009]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Mansfield, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Mansfield, Massachusetts.

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 Mansfield must adopt flood plan management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, West Street, Mansfield, Massachusetts 02048.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Frank Colella, Chairman, Board of Selectmen, Town Hall, West Street, Mansfield, Massachusetts 02048. 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.

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
Hodges Brook	Oak St	126	20	110
Wading River	Otis St	123	85	405
	Balcolm St	128	100	545
	Williams St	146	170	120
	West St	153	80	80
Canoe River	Mill St	110	970	20
	Bridge at Trailer park	114	115	165
Rumford River	Main St	105	45	40
	Willow St	129	45	760
	Spring St	137	405	50
	West St	146	25	50
	High St	156	235	60
	Church St	159	165	45
	County St	172	150	260

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16153 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2008]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Salisbury, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Salisbury, Massachusetts.

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 Salisbury 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 Town Hall, Beach Road, Salisbury, Massachusetts 01950.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Carl R. Le Sage, Chairman, Board of Selectmen, Beach Road, Salisbury, Massachusetts 01950. 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.

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
Atlantic Ocean	North Blvd	10	Entire road within corporate limits.	
Atlantic Ocean and Merrimack River.	Route 1A	10	(1)	8,300

[1] To corporate limits.

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16149 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2007]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Yarmouth, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Yarmouth, Massachusetts.

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 Yarmouth 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 Town Office Building, Yarmouth, Massachusetts 02664.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Howard Marchant, Chairman, Board of Selectmen, Town Office Building, Yarmouth, Massachusetts 02264. 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.

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)
Nantucket Sound	Columbus Ave	10.3	170 from intersection with West Rd.
	Crowes Purchase Rd	10.0	1,140 from intersection with Sea Ave.
	Canary Lane	10.0	250 from intersection with Lake Rd.
Cape Cod	Lone Tree Rd	10.5	560 from intersection with Thacher Shore Rd.
	Old Salt Ketch Lane	10.0	470 from intersection with Center St.
	Whipporwill Lane	10.0	260 from intersection with Gaslight Dr.

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16154 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2006]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Vassar, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Floor Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Vassar, Michigan.

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 Vassar 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, 287 E. Huron Street, Vassar, Michigan 48768.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Harold Lane, 287 E. Huron Street, Vassar, Michigan 48768. The period for comment will be ninety days following the second publication of this notice in a newespaper of local circulation in the above-named community.

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
Caas River	Pere Marquette RR	631	20	20
	Huron St	633	500	20
	New York Central RR	634	20	20

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16150 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2005]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Elk River, Minnesota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Elk River, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Elk River 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, Main and Highway 10, Elk River, Minnesota 55330.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Cliff Lundberg, City Hall, Main and Highway 10, Elk River, Minnesota. 55330. 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.

The proposed 10-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
Mississippi River	Wright County Rd. 130	865	(1)	25
Elk River	Main St. (downstream side)	869	75	75

[1] To corporate limits.

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16151 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2004]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Little Silver, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Little Silver, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Little Silver 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 Borough Hall, 480 Prospect Avenue, Little Silver, New Jersey 07739.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Anthony T. Bruno, Borough Hall, 480 Prospect Avenue, Little Silver, New Jersey 07739. 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.

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
Shrewsbury River	7 Bridges Rd	9	To Holly Tree Lane (6,000 ft).	
Little Silver Creek	Prospect Ave	9	40	360
	Willow Dr	9	260	180
	Branch Ave	12	50	70
Little Silver Creek Tributary II.	7 Bridges Rd	9	40	110
	Harrison Ave	20	30	80
Parker Creek	Oceanport Ave	9		160

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16155 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2003]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Monmouth Beach, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Monmouth Beach, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Monmouth 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 Borough Hall, 22 Beach Drive, Monmouth Beach, New Jersey 07750.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Sidney B. Johnson, Borough Hall, 22 Beach Drive, Monmouth Beach, New Jersey 07750. 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.

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)
South Shrewbury and Manahassett Creek.	Patten Ave	9	Entire avenue.
	Riverdale Ave	9	Do.
	Central Rd	9	Entire road.
	Robbins St	9	Entire street.

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16152 Filed 6-4-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI 1079]

NOTICE OF PROPOSED FLOOD ELEVATION DETERMINATION

Howard County, Maryland; Correction

The notice published on April 28, 1976, at 41 FR 1777 1-2, listing Howard County, Maryland with Source of Flooding as Little Patuxent River, location at Owen Road, should be corrected to read Owen Brown Road; with Source of Flooding as Little Patuxent River, location at Riverdale Circle (Extended), should be corrected to read Riverside Circle (Extended); the Source of Flooding listed as Plumetree Branch should be corrected to read Plum Tree Branch; and the Source of Flooding as Plum Tree Branch, location at Chatham Road should be corrected to read Chatham Road.

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-16376 Filed 6-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 33, 75, 94, 160, 192]

[CGD 76-33]

LIFESAVING EQUIPMENT FOR GREAT LAKES VESSELS

Advance Notice of Proposed Rulemaking

The Coast Guard is considering proposing amendments to the regulations governing lifesaving equipment on vessels operating on the Great Lakes. The proposals under consideration include requirements concerning the following subjects:

a. Lifeboat exposure protection.
b. Lifeboat maneuverability.
c. Survival craft availability.
d. Launching of survival craft from stowed positions.
e. Lifeboat capability to float free automatically from a sinking vessel.
f. Personal exposure protection.
g. Communications equipment on survival craft.
h. Lights and reflectorized materials.
i. Standards for equipment substituted for required equipment. Use of equipment proposed in this notice should improve chances for survival following a casualty requiring vessel abandonment.

This advance notice of proposed rulemaking is being issued to provide an

early opportunity for public participation. Comments and information obtained from this notice will be considered in the development of proposed amendments. This notice is not intended, however, to indicate that the Coast Guard has formed final conclusions on any aspects of the proposals contained in the notice. The notice proposes concepts in order to provide a starting point for public comment.

Interested persons are invited to submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (G-CMC/81) U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 76-33) and the specific subject in this notice to which his comment applies, and give reasons in support of his comment. All comments received before September 7, 1976 will be considered before final action is taken on this notice. Copies of all written comments will be available for examination by interested persons in Room 8117, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

If the Coast Guard determines after evaluating the comments received that it is in the public interest to proceed further with this rule making, one or more notices of proposed rule making will be issued.

Oral inquiries and communications concerning this notice may be directed to Commandant (G-MMT-3/83) Attn: Mr. Robert Markle, U.S. Coast Guard, Washington, D.C. 20590 (Telephone number: (202) 426-1444).

The proposals described in this notice are the result of recommendations of a panel of the Society of Naval Architects and Marine Engineers and a subcommittee of the Inter-Governmental Maritime Consultative Organization. The proposals considered include provisions both for upgrading the lifesaving systems on existing Great Lakes vessels, where appropriate, and for establishing new basic standards for newly constructed vessels. Similar provisions are being considered for vessels in ocean and coastwise service and may be proposed at a later date.

The findings of several studies have also been used to develop the proposals set forth in this advance notice. A study entitled "Climatological and Environmental Factors that Influence Survival on the Great Lakes" dated June, 1973, prepared by Batelle Memorial Institute (National Technical Information Service (NTIS) report AD-768678) contains the following findings which should be a basis for improving lifesaving equipment design:

a. Average surface water tempartures in winter and early spring in Great Lakes waters not covered by ice range from 33°F to 44°F (1°C to 7°C).

b. During the fall and winter months there is a significant chance that the wind chill factor on the Great Lakes will be below the significant danger mark of —20°F (—29°C). (For example, in December the wind chill factor can be expected to fall below —20°F (—29°C) for 16 hours per month in Detroit and 160 hours per month in Duluth.)

c. During the fall and winter months there is a significant chance (on the order of 10%) that wave height will exceed 10 feet (3 meters) at any given time. November is the worst of these months.

A study entitled "Assessment of the Requirements for Survival on the Great Lakes" dated January 31, 1974 (NTIS report AD-786662) prepared by Battelle Memorial Institute recommends several areas in which improvements can be made to lifesaving equipment used on vessels. The major areas of improvement suggested include the following:

a. Means of communication to ensure rescue notification and quick rescue response prior to, during, and after vessel abandonment.

b. Methods of launching survival craft including alternate launching means and launching under severe sea and weather conditions.

c. Flotation, thermal protection, and wearability of personal flotatoon devices.

d. Communication capability for survivors in the water to aid in their rescue.

e. Maneuvering capability of survival craft to gather in survivors from the water.

The University of Victoria has published a report on hypothermia research, the short title of which is "Man in Cold Water", dated June 30, 1975. This report estimates the survival time for a man in 44°F (7°C) water to be 2.44 hours when lightly clad, 4.10 hours when heavily clad, and 8.53 hours when wearing a survival suit. The report also contains test results of a second type of survival suit showing that the heat loss rate of the second suit is half that of the survival suit on which the estimates of survival time are based. The estimates are based on men who are in good health, are wearing personal flotation devices, and are adopting "thermally-protective behavior" described in the report.

A study entitled "Group Survival Equipment Effectiveness" prepared by Operations Research, Incorporated, dated January, 1976 (NTIS report AD-A022606, covers 51 vessel casualty cases from 1950 to 1974. Nine of the cases occurred on the Great Lakes. The study identifies various survival craft deficiencies contributing to fatalities. The deficiencies are listed as follows:

a. Inability of survival craft to protect occupants from exposure (hypothermia).

b. Inability to launch survival craft because of severe vessel list.

c. Inability of survival craft to remain upright during launching or while in heavy seas.

d. Inability of survival craft to protect the occupants if the craft capsizes.

e. Inability to keep survival craft from being swept away or damaged before and during launching.

f. Too much time needed to launch survival craft.

Copies of the studies with NTIS numbers may be obtained by writing to the National Technical Information Service, Springfield, Virginia 22161, telephone (703) 321-8521. A limited supply of free copies of the studies is available from the Coast Guard and may be obtained by writing to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

Comments are invited concerning each of the proposals discussed in detail in studies and other topics discussed in this notice as they relate to the proposals. The Coast Guard recognizes that small inspected vessels may have difficulties in complying with requirements proposed in this notice and that larger existing vessels may also have difficulties especially where extensive retrofitting may be required. Scientific comments are invited concerning difficulties that these vessels may have in complying with requirements described in the proposals.

In accordance with the foregoing, the Coast Guard is considering amendments to the lifesaving equipment regulations pertaining to the following subjects as they apply to Great Lakes vessels:

a. *Lifeboat exposure protection.* Add a requirement that a lifeboat be totally enclosed with a rigid cover that provides protection from wind chill, aids retention of heat within the boat, prevents swamping, and lessens the danger of capsizing in heavy seas.

b. *Lifeboat manueverability.*

(1) Add a requirement that each lifeboat be powered by a diesel engine that can provide sufficient mobility to pick up survivors.

(2) Add a requirement that each lifeboat engine be capable of starting in temperatures as low as —22°F (—30°C).

With respect to the proposals in paragraphs (a) and (b), specific comments are requested concerning the carriage, maintenance, and reliability of totally enclosed lifeboats equipped with diesel engines.

c. *Survival craft availability.*

(1) Revise existing regulations to require that a vessel have enough lifeboats to accommodate at least 100% of the vessel's complement.

(2) Revise existing regulations to require that the total number and location of lifeboats and inflatable liferafts be sufficient to provide enough craft for all persons on the vessel if a casualty occurs in which some craft are destroyed or rendered unusuable.

d. *Launching of survival craft from stowed positions.*

(1) Revise existing regulations to require that survival craft have launching equipment that is capable of operation from within the craft so that during ship abandonment a deck crew will not need to remain aboard.

(2) Revise existing regulations to require that survival craft be designed and installed so that they can be launched with an adverse vessel list of up to 20° and a trim angle of up to 10°; and

(3) Revise existing regulations to require that lifeboats be designed and installed so that they can be boarded and launched directly from their stowed positions, thus eliminating the need for (and time involved in) using tricing pendants and frapping lines.

(Specific comments are requested concerning launching configurations that will meet these requirements).

e. *Lifeboat capability to float free automatically from a sinking vessel.*

(1) Revise existing regulations to require that each lifeboat be designed and installed so that it will float free automatically if the vessel sinks before the craft can be launched. Use of these lifeboats will allow quick abandonment if sufficient launching time is not available. If the lifeboat cannot be launched in time, vessel personnel will have the option to board the craft on the vessel and remain in it while it floats free of the vessel. Also, if personnel do not board the lifeboat before the vessel sinks, the craft will be available to survivors in the water.

(2) Add a requirement that float free inflatable liferafts be provided for all persons working in spaces far from a lifeboat station such as in a wheelhouse on the bow of a ship that has all of its lifeboats located aft.

f. *Personal exposure protection.*

(1) Add new design requirements for survival suits that prevent shock to the user upon entering cold water and retard body heat loss during long periods of immersion.

(2) Add regulations to require carriage of survival suits and to allow substitution of survival suits for required personal flotation devices if the survival suits provide adequate flotation. (Specific comments are requested on the carriage, maintenance, and reliability of survival suits, and on their use as personal flotation devices.)

g. *Communications equipment.* Add a requirement for survival craft to have radio communication equipment that automatically sends a distress signal upon contact of the craft with water. (Specific comments are requested concerning the use of this equipment and concerning any other means of communications between the craft and rescuers that might be effective.)

h. *Lights and reflectorized materials.* Add requirements that each survival suit and personal flotation device have lights and reflectorized material to aid in location of survivors in the dark. (In addition to comments on these requirements, comments are also requested concerning other means of communication between survivors and rescuers that might be effective.)

(i) *Standards for equipment substituted for required equipment.* Add standards that lifesaving equipment substituted for equipment currently required must meet in order to obtain Coast Guard approval. Several new designs of lifesaving equipment are currently under development for vessels. The Coast Guard intends by the adoption of these standards to encourage further the development of new lifesaving equipment and improvements to existing equipment.

The standards under development cover each phase in the vessel abandonment process and they take into account the overall design of the vessel. The standards detail each of the conditions under which lifesaving equipment must be designed to operate and establish performance levels for the equipment.

The following standards are being considered for substituted lifesaving equipmet on Great Lakes vessels:

(1) *Pre-abandonment phase.*

(i) The equipment if stowed in an exposed location must be designed to withstand expected sea and weather conditions while in stowage. Expected sea and weather conditions will vary from vessel to vessel depending upon the areas in which the vessel is certificated to operate.

(ii) The equipment must be designed so that it can be made ready for operation quickly regardless of sea and weather conditions prevailing when the item is to be used.

(iii) The equipment must have training procedures and emergency instructions explaining its use.

(2) *Abandonment phase.* The equipment must be designed for use in all expected casualty conditions and it must be installed in appropriate locations in relation to other lifesaving equipment so that the total lifesaving system of the vessel provides a means of escape for all persons in expected casualty conditions. Expected casualty conditions will vary from vessel to vessel depending upon vessel design and cargo carried. Designers of the equipment must consider such conditions as severe weather and seas, fire and explosive atmospheres, severe vessel list and trim, and rate of change in vessel list and trim.

(3) *Survival phase.*

(i) Survival craft must be designed to provide subsistence for survivors and protection from exposure under all expected sea and weather conditions.

(ii) Survival craft must be capable of maneuvering in all expected sea and weather conditions.

(iii) Personal flotation devices must have the same flotation characteristics prescribed for currently required devices.

(iv) Thermal protection gear must be adequate for use by persons in the water.

(4) *Detection phase.*

(i) Survival craft must have detection equipment that can alert rescuers and aid in locating the craft.

(ii) Visual and audible detection equipment provided for use by survivors in the water must be capable of providing aid to rescuers in locating them.

(5) *Retrieval phase.*

(i) Survival craft must be designed so that they can be towed by other craft.

(ii) Survival craft must be designed so that survivors can be transferred quickly and without hazard to a ship or helicopter. The transfer operation must take into account the possibility that some survivors may be on stretchers or otherwise incapacitated.

The Coast Guard welcomes all relevant comments and suggestions concerning the proposals in this advanced notice.

(46 U.S.C. 375, 391a, 416, 481; 49 U.S.C. 1655 (b); 49 CFR 1.46)

Dated: June 1, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-16384 Filed 6-4-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-GL-7]

BENDIX WHEEL ASSEMBLIES

Withdrawal of Notice of Proposed Airworthiness Directive

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a repetitive inspection of the Bendix wheel assembly P/N 2601901-1 used on Boeing 747 aircraft was published in the FEDERAL REGISTER (41 FR 13950).

Upon further consideration, and in the light of comments received in response to the Notice of Proposed Rule Making, the agency has determined that the airline inspection procedure prescribed for these wheels has been effective in removing cracked wheels from service, and a safety problem does not presently exist to the extent originally believed. Therefore, the proposed AD is not required at this time.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the agency from issuing another Notice in the future or commit the agency to any course of action in the future.

In consideration of the foregoing, and purusant to the authority delegated to me by the Administrator, (31 FR 13697 and 14 CFR 11.89), the proposed airworthiness directive published in the FEDERAL REGISTER on April 1, 1976, (41 FR 13950), is hereby withdrawn.

Issued in Des Plaines, Illinois, on May 25, 1976.

JOHN M. GYROCKI,
Director, Great Lakes Region.

[FR Doc.76-16244 Filed 6-4-76;8:45 am]

[14 CFR Part 39]

[Docket No. 15756]

HAWKER SIDDELEY AVIATION, LTD., MODEL BH-125 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Hawker Siddeley Aviation Ltd. Model BH-125 Series 600A airplanes. There have been reports of an excessive rolling moment on Model BH-125 Series

600A airplanes when operated on autopilot at buffet onset speed that could result in loss of control due to unwanted rolling of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of vortex generators on the leading edge of each wing on certain Hawker Siddeley Aviation Ltd. Model BH-125 Series 600A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 7, 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.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model BH-125, Series 600A airplanes, S/N's 25/6001-6004, 6007, 6009-6011, 6013, 6014, 6016, 6018, 6020, 6022-6026, 6032, 6034, 6038, 6040, 6044, 6046, certificated in all categories.

Compliance is required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible unwanted rolling of the airplane when operating at buffet onset, add vortex generators to the leading edge of each wing by incorporating Hawker Siddeley Aviation, Ltd. Modification No. 252442 in accordance with section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 57-48-(2442), dated June 25, 1975, including Revision 1, dated July 23, 1975, or an FAA-approved equivalent.

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

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

[FR Doc.76-16246 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-35]

CENTRAL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., Control Zone (41 FR 360) and Transition Area (41 FR 450) and designate a Baltimore, Md., (Glenn L. Martin State Airport) Control Zone.

It will be necessary to designate a part-time control zone for Glenn L. Martin State Airport, Baltimore, Maryland, to provide additional controlled airspace for IFR arrivals and departures at that airport. Coincident with such designation will be a change in the designated name of the present Baltimore, Md., Control Zone to distinguish it from the new control zone.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Atten: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 7, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Baltimore, Md., proposes the airspace action hereinafter set forth:

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to change the caption of the Baltimore, Md. Control Zone to read:

(BALTIMORE, MD. (BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT)

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Baltimore, Md. (Glenn L. Martin State Airport) Control Zone as follows:

BALTIMORE, MD. (GLENN L. MARTIN STATE AIRPORT)

Within a 5-mile radius of the center, 39°19'45" N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 5 miles each side of a 17-mile radius arc of the Baltimore Md. VORTAC, extending clockwise from the Baltimore, Md. VORTAC 030° radial to the Baltimore, Md. VORTAC 046° radial. This control zone is effective from 0700 to 2300 hours, local time, daily.

§ 71.181 [Amended]

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Baltimore, Md. Transition Area as follows:

In the description of the Baltimore, Md. Transition Area, delete from "within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W." to and including "11.5 miles southeast of the RBN" and insert the following in lieu thereof:

"within an 8.5-mile radius of the center 39°19'45' N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within a 9-mile radius of the center of the airport, extending clockwise from a 239° bearing to a 256° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 270° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 320° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 348° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 007° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 007° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 027° bearing to a 054° bearing from the airport; within 3.5 miles each side of a 132° bearing from the Martin Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 3.5 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 5 miles each side of the Martin, Md. TACAN 317° radial, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 17.5 miles northwest of the TACAN.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 20, 1976.

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

[FR Doc.76-16242 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-8]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Grain Valley, Missouri, and Lee's Summit, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation

Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before July 6, 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Following designation of controlled airspace at Grain Valley, Missouri, and Lee's Summit, Missouri, the Blue Springs, Missouri, VORTAC is being relocated effective September 9, 1976. The new VORTAC, which will be named the Napoleon, Missouri, VORTAC, will be located approximately eight miles northeast of the present VORTAC location. Instrument approach procedures to East Kansas City Airport, Grain Valley, Missouri, and McComas Airport, Lee's Summit, Missouri, based on the Napoleon VORTAC will replace the existing instrument approach procedures at these two airports based on the Blue Springs VORTAC. Accordingly, it is necessary to alter the Grain Valley, Missouri, and Lee's Summit, Missouri, transition areas to protect aircraft executing the new instrument approach procedures at these Airports.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition areas are amended to read:

GRAIN VALLEY, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5½ mile radius of the East Kansas City Airport (Latitude 39°00'56" N, Longitude 94°12'47" W) and within three miles each side of the 217° radial of the Napoleon, Missouri, VORTAC (Latitude 39°05'43'5" N, Longitude 94°07'-43.0" W) extending from the 5½ mile radius area to 8 miles northeast of the airport.

LEE'S SUMMIT, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the McComas Airport (Latitude 38°57'50" N, Longitude 94°22'25" W), excluding those portions which overlie the Grandview, Missouri, and Grain Valley, Missouri, 700 foot transition areas.

(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 Kansas City, Missouri, on May 18, 1976.

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

[FR Doc.76-16243 Filed 6-4-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-GL-19]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Camp Ripley, Minn., Restricted Area, R-4301 and change the designated altitude and time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before July 7, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.[1]

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would change the boundaries and altitudes designated for R-4301 Camp Ripley, Minn., to read:

Boundaries. Beginning at Lat. 46°18'54" N., Long. 94°29'02" W.; thence along south bank of Crow Wing River and west bank of Mississippi River to Lat. 46°10'49" N., Long. 94°21'52" W.; to Lat. 46°07'11" N., Long. 94°21'52" W.; thence along the west bank of Mississippi River to Lat. 46°06'22" N., Long. 94°21'10" W.; to Lat. 46°06'22" N., Long. 94°22'15" W.; to Lat. 46°06'03" N., Long. 94°22'15" W.; to Lat. 46°06'03" N., Long. 94°26'06" W.; to Lat. 46°08'00" N., Long. 94°26'06" W.; to Lat. 46°08'00" N., Long. 94°30'00" W.; to Lat. 46°18'18" N., Long. 94°30'00" W.; to point of beginning.

[1] Map filed as part of the original document.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. 0730 to 2400 local times daily. Other times as specified by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

Expanded requirements placed on the Minnesota National Guard to conduct training assemblies out of doors on a year-round basis require expansion of the boundary of the restricted area to the south and east and would designate altitude and time of designation to allow year-round designation to 27,000 feet MSL. These modifications would enable units to fire weapons of all types during each month of the year. In addition, cold weather training assigned to the 47th Infantry Division requires extensive winter annual training periods. In accomplishing this mission, increased weapons firing must be conducted during winter months. Modification of the boundary is necessary to provide needed weapons positions required to accomplish the training mission.

This area will continue to be designated for joint use and will be made available to the public when it is not required by the using agency.

(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 May 28, 1976.

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

[FR Doc.76-16245 Filed 6-4-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WA-4]

ALTERATION OF TERMINAL CONTROL AREA

Denver, Colorado; Extension of Comment Period

On May 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 18683) stating the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Denver Terminal Control Area (TCA).

Due to technical difficulties, the FAA was unable to follow its usual procedures for advance distribution of NPRMs; thus, airspace users in the Denver area were not given ample opportunity to comment on the proposal prior to the comment period closing date. For this reason the comment period is hereby extended to June 16, 1976. All comments received before this date will be considered before final rule making is taken on the proposal.

Issued in Washington, D.C. on June 3, 1976.

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

[FR Doc.76-16621 Filed 6-4-76;10:04 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-6]

FEDERAL AIRWAYS AND RECISSION OF REPORTING POINT

Proposed Altereation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the Kansas City, Mo., area due to the relocation of the Blue Springs, Mo., VORTAC to a site near Napoleon, Mo., at Lat. 39°05'43.5'' N., Long. 94°07'43.0'' W. and rescind the Blue Springs Reporting Point.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before July 2, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, 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.

It is proposed to amend Part 71.123 of the Federal Aviation Regulations so that certain airway segments would be realigned as follows:

a. V-10 * * * Emporia, Kans.; Napoleon, Mo., including a N alternate via INT Emporia 050° T/042° M and Topeka, Kans. 099° T/091° M radials; Kisksville, Mo., including a N alternate via INT Naboleon 005° T/358° M and Kansas City 060° T/052° M radials; Burlington, Iowa; * * *.

b. V-12 * * * Emporia, Kans.; Napoleon, Mo.; Columbia, Mo.; Foristell, Mo., including a S alternate from INT Jefferson City, Mo. 308° T/302° M and Columbia 276° T/270° M radials via Jefferson City to the INT of Jefferson City 042° T/036° M and Columbia 104° T/098° M radials; * * *.

c. V-13 * * * Butler, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; Lamoni, Iowa; * * *.

d. V-116 From INT Kansas City, Mo., 076° T/068° M and Napoleon, Mo., 005° T/358° M radials via Macon, Mo.; * * *.

e. V-159 * * * Springfield, Mo.; Napoleon, Mo.; INT Napoleon 336° T/329° M and St. Joseph, Mo., 132° T/124° M radials; St. Joseph; * * *.

f. V-161 * * * Butler, Mo.; Napoleon, Mo.; Lamoni, Iowa; * * *.

g. V-206 From Napoleon, Mo., via Kirksville, Mo.; to Ottumwa, Iowa.

h. V-424 From Napoleon, Mo., to Macon, Mo.

It is also proposed to rescind the Blue Springs VORTAC as a designated reporting point. A designated reporting point at Napoleon will not be required at this time.

Relocation of the Blue Springs VORTAC is required because of planned community development in that area.

(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 June 3, 1976.

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

[FR Doc.76-16622 Filed 6-4-76;10:04 am]

[14 CFR Part 75]

[Airspace Docket No. 76-CE-7]

JET ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign a segment of J87 to extend from Butler, Mo., direct to Kirksville, Mo.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before July 2, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, 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 amendment would realign a segment of J-87 to extend from Butler, Mo., via Kirksville, Mo., to Bradford, Ill. This realignment would reduce the airway route distance between Butler and Kirksville by 11 miles and provide an improved by-pass east of the Kansas City, Mo., Terminal Control Area.

(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 June 3, 1976.

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

[FR Doc.76-16623 Filed 6-4-76;10:04 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 555-4]

ALASKA

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved the State of Alaska Air Quality Control Plan.

On September 30, 1975 and January 6, 1976, the Commissioner, State of Alaska Department of Environmental Conservation (ADEC), submitted for the Administrator's approval, revisions to the compliance schedule portion of the State Implementation Plan, in accordance with 40 CFR 51.4, 51.6 and 51.15. The Administrator, pursuant to Section 110 of the Clean Air Act and 40 CFR § 51.8, is today proposing for public comment the approval of three compliance schedule variances and the disapproval of two compliance schedule variances, as plan revisions.

Each compliance schedule establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the following table under the heading "Final Compliance Date".

In addition, each compliance schedule which extends more than a year from the date of adoption must include federally enforceable increments of progress toward compliance as required by 40 CFR 51.15(c). While the table below does not list those interim dates, the actual compliance schedules do. The "Effective Date" column in the table refers to the date the compliance schedule becomes effective for purpses of federal enforcement. "Date of adoption" column refers to the date that the State adopted the compliance schedules.

On August 23, 1973 (38 FR 27336), the compliance schedules for Alaska Lumber and Pulp Company (ALP), Sitka, and Ketchikan Pulp Company (KPC), Ketchikan, were disapproved for not meeting the requirements of 40 CFR § 51.15. On January 21, 1974, the State

of Alaska Department of Environmental Conservation (ADEC) submitted to EPA revisions to the compliance schedules for ALP and KPC. On May 8, 1974 (39 FR 16366), EPA invited public comment on whether the Administrator should approve or disapprove the ALP and KPC permits as revisions to the SIP. No notice of final rulemaking was published because the State notified EPA that new permits were to be issued.

On September 30, 1975, after proper notice and public hearings, ADEC submitted to EPA compliance schedules for ALP and KPC as revisions to the SIP. Included with this submittal was data which demonstrated that the secondary ambient air quality standard for total suspended particulate matter was being attained and maintained in the area impacted by the Alaska Lumber and Pulp mill, but which also showed violations of the secondary TSP standard in the area impacted by the KPC mill. On February 25, 1976, ADEC submitted an additional year of data for Ketchikan from a different sampling location which is more representative of true ambient concentrations for the area. At its previous location next to a road, the monitor was sampling road dust generated by local traffic. These new data demonstrated that the secondary TSP standards were not being exceeded as a result of emissions from the KPC mill. EPA's proposed approval is based upon the firm assurance in that schedule that the Company will comply with applicable emission and opacity standards and will install control equipment on existing power boilers adequate to comply with such standards for any level of operation or loading by July 1, 1978. It is also noted that the schedule includes mention of a new power boiler. The Company's obligation to comply with all standards is independent of the effect, if any, the new boiler may have upon the loading or operation of its present boilers. Morover, this proposed approval shall have no effect upon the existing obligation of the Company to comply fully with its NPDES permit conditions.

On January 6, 1976, after proper notice and public hearings, ADEC submitted to EPA compliance schedules for Alaska Forest Products (AFP), Haines, and Schnabel Lumber Company (SLC), Haines. The AFP and SLC submittal included ambient data for the City of Wrangell which show compliance with the secondary TSP standard. ADEC indicated that the ambient air quality levels in Haines were similar to those in Wrangell. While it is conceivable that ambient air levels are similar in Wrangell and Haines, data from Wrangell alone does not constitute evidence which demonstrates that such is the case. The compliance schedules in the variance issued to AFP, however, has no final compliance date or does it contain enforceable increments of progress. The compliance schedule issued to SLC does provide for a final compliance date but cannot be approved because ADEC did not demonstrate that the continued emissions under the variance will not interfere with the attainment and maintenance of NAAQS.

Also, on January 6, 1976, after proper notice and a public hearing, ADEC submitted in a separate package to EPA a compliance schedule for Golden Valley Electric Association (GVEA), Healy, ambient air quality data and an analysis using modeling. The original GVEA compliance schedule had been submitted by ADEC and had been approved by EPA on August 23, 1973. On November 13, 1973, GVEA appealed the ADEC variance on the grounds of economic hardship and applied for a new variance. After consideration of GVEA's appeal and application for a new variance, ADEC issued a new variance on September 29, 1975 after holding the public hearing. It is this variance which is under consideration at this time. The modeling analysis indicated compliance with the primary standard violations of the secondary standard. The Northern Alaska AQCR in which this source is located was originally classified as Priority I (primary standards not being attained) in the SIP. For Priority I AQCR's the plan specifies the year 1975 as the attainment date for the primary standard and 1980 as the attainment date for the secondary standard. Since the State has demonstrated that emissions from this source according to the terms of the variance will not interfere with the attainment and maintenance of primary NAAQS, and that the variance includes a compliance schedule with enforceable increments of progress and a final compliance date of 1980, the variance meets the criteria of approvability.

It is, therefore, recommended that the compliance schedules for KPC, ALP and GVEA be approved as revisions to the SIP and that the variances for AFP and SLC be disapproved. An evaluation report will be prepared for each compliance schedule before the Administrator makes his final decision on whether to approve or disapprove the compliance schedules. During the review period, personnel in the EPA Regional Office, at the address noted below, are available to discuss the compliance schedules with the public. Each compliance schedule is available for public inspection at the EPA Regional Office, EPA Headquarters, and the State agency at the following addresses:

Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

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

State of Alaska, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801.

All interested persons are encouraged to submit written comments on whether the proposed revisions to the Alaska Air Quality Control Plan should be approved as required by section 110 of the Clean Air Act, as amended, and 40 CFR § 51.8. Comments postmarked within 30 days of the date of publication of this notice will be considered. Public comments received on the proposed revisions will be available for public inspection at the Regional Office and EPA Headquarters. Comments should be directed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ben C. Eusebio, M/S 513.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended. [42 U.S.C. § 1857c-5(a)].

Dated: May 19, 1976.

L. EDWIN COATE,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart C—Alaska

1. In § 52.70, paragraph (c) is revised to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(3) Compliance schedules submitted on August 23, 1973, by the State of Alaska Department of Environmental Conservation.

(4) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

(5) Compliance schedules submitted on January 6, 1976, by the State of Alaska Department of Environmental Conservation.

2. Section 52.84 is amended by adding the following lines to the table in paragraph (b) as follows:

§ 52.84 Compliance schedules.

* * * * *

(b) the compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
Alaska Lumber & Pulp Co.	Sitka	18AAC50.050(a)(b), 18AAC50.060(a)(2), 18AAC50.120(h).	June 6, 1975	Immediately	Oct. 30, 1977
Golden Valley Electric Association, Inc.	Healy	18AAC50.050(a)(b), 18AAC50.120(h).	Sept. 29, 1975	do	Oct. 30, 1980
Ketchikan Pulp Co.	Ketchikan	18AAC50.050(a)(b), 18AAC50.060(a)(2), 18AAC50.120(h).	June 6, 1975	do	July 1, 1978
*	*	*	*		*

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Alaska Administrative Code, Title 18, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption
Alaska Forest Products, Inc.	Haines	18 AAC 50.040(a)(2), 18 AAC 50.040(c)(2), 18 AAC 50.120(h).	Aug. 21, 1975
Schnabel Lumber Co.	do	18 AAC 50.040(a)(2), 18 AAC 50.040(c)(2), 18 AAC 50.040 (h).	Do.

[FR Doc.76-16295 Filed 6-4-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 455]

SALE OF USED MOTOR VEHICLES

Disclosure and Other Regulations; Correction

In FR Doc. 76-14894, appearing on page 20896, right column, of the issue for May 21, 1976, the following correction is made:

The year of the issue date should be 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-16301 Filed 6-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12468]

MUNICIPAL SECURITIES DEALERS

Withdrawal of Proposed Rulemaking

The Commission hereby withdraws proposed amendments to Rule 10b-6[1] announced in Securities Exchange Act Release No. 11876 (November 26, 1975).[2] The Commission notes that unlike brokers and dealers registered with the Commission, municipal securities dealers which are not brokers or dealers are not exempt from the provisions of the Truth-in-Lending Act,[3] which currently appears to provide sufficient protection for customers of such persons. Therefore, the Commission has determined not to apply Rule 10b-16 to municipal securities dealers which are banks or separately identifiable departments or divisions of banks.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976.

[FR Doc.76-16126 Filed 6-4-76;8:45 am]

[1] 17 CFR 240.10b-16.
[2] 40 F.R. 60084 (1975).
[3] 15 U.S.C. 1603.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Size Standard Differential for Hawaii, the Virgin Islands, Puerto Rico, and Guam

For several years, paragraph 121.3-7 (a) of the Small Business Size Standards Regulation (13 CFR, paragraph 121.3-7 (a)) has provided a size standards differential applicable, in the case of size standards based on annual receipts, to concerns which have 50 percent or more of their annual receipts attributable to business activity within Alaska.

We have determined that a similar differential should be adopted for Hawaii, the Virgin Islands, Puerto Rico, and Guam; and have decided for such purposes to utilize the Civil Service Commission cost-of-living allowances for such areas. These vary by area and are based on comparison of indexes arrived at through onsite cost-of-living surveys in the various areas.

The Civil Service Commission differentials for the various areas are as follows:

	Percent
Alaska (except for 22.5 pct. in Anchorage)	[1] 25
Hawaii	12.5
Virgin Islands	10
Puerto Rico	7.5
Guam	7.5

[1] Note that this is the same differential now applicable for size purposes.

Accordingly, it is proposed to revise § 121.3-7(a) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations, to read as follows:

§ 121.3-7 Differentials.

(a) Alaska, Hawaii, and certain nonforeign areas outside the continental United States. In computing the annual receipts, average annual receipts, assets, net worth, or average net income of a concern (not including its affiliates) that has 50 percent or more of its annual receipts attributable to business activity within one of the States and nonforeign areas set forth below, such annual receipts, average annual receipts, assets, net worth, or average net income, shall be reduced by the percentage prescribed for such State or area.

	Percent
Alaska	25
Hawaii	12.5
Virginia Islands	10
Puerto Rico	7.5
Guam	7.5

Interested parties may file with the Small Business Administration on or before August 1, 1976, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pellington,
Director, Size Standards Division,
Small Business Administration,
1441 L Street, N.W.,
Washington, D.C. 20416.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.025)

Dated: May 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-16327 Filed 6-4-76;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 DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 8, 1976; Tuesday, June 15, 1976; Tuesday, June 22, 1976; and Tuesday, June 29, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC § 52(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

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

JUNE 2, 1976.

[FR Doc.76-16404 Filed 6-4-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 75-23]

HENRY M. COLLIER, JR., M.D.

Denial of Registration

On July 14, 1975, the Acting Administrator, Drug Enforcement Administration (DEA) issued to Henry M. Collier, Jr. an Order to Show Cause as to why his application, executed March 9, 1975, for registration under Section 303 of the Act, 21 U.S.C. 823, should not be denied for the reason that he was convicted on September 26, 1972 and on May 3, 1974, in the United States District Court for the Southern District of Georgia, Savannah Division, of violations of 21 U.S.C. 841 (a)(1), all felonies relating to the distribution of controlled substances.

On August 13, 1975, through counsel, Dr. Collier (Respondent) requested a hearing on the Order to Show Cause and on November 17, 1975, a hearing was held in Savannah, Georgia, before Administrative Law Judge, Francis L. Young.

On May 6, 1976, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, his recommended findings of fact and conclusions of law, a recommended decision, and the record of the proceedings in this matter. The Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final order in this proceeding based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that on September 26, 1972, Respondent was convicted, in the United States District Court, Southern District of Georgia, of six felony counts under 21 U.S.C. 841 (a)(1), and that on May 3, 1974, Respondent was convicted of three felony counts under 21 U.S.C. 841(a)(1) in the same court. Furthermore, Judge Young found that Respondent prescribed a Schedule IV controlled substance, Fastin, on or about July 3, 1975, without the required DEA registration. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded, as a matter of law, that legal grounds exist for the Administrator of DEA to deny Respondent's application for registration and that registration of Respondent with DEA pursuant to his application to prescribe Class IV and Class V drugs would be inconsistent with the public welfare and would present a danger to the public health and safety. The Administrator adopts these conclusions of law.

The Administrative Law Judge recommended that the Administrator deny the pending application. The Administrator accepts this recommendation.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the application of Henry M. Collier, Jr., for registration as a practitioner under the Controlled Substances Act, be and hereby is denied.

Dated: May 28, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-16372 Filed 6-4-76;8:45 am]

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 10, 1976, Applied Science Laboratories, Inc., 139 North Gill Street, Box 440, State College, PA 16801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below, which, if imported, will be supplied exclusively for authorized research or as chemical analysis standards:

Drug	Schedule
3,4-methylenedioxy amphetamine	I
Bufotenine	I
Diethyltryptamine	I
Dimethyltryptamine	I
Piminodine	II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than July 9, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W. Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: May 28, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16369 Filed 6-4-76;8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Notice of Registration

By Notice dated March 12, 1976, and published in the FEDERAL REGISTER on March 24, 1976; (41 FR 12234), Stepan Chemical Co., Natural Products Dept., 100 W. Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as an importer of coca leaf, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and, pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of coca leaf.

Dated: May 24, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16371 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulation (CFR), notice is hereby given that on May 6, 1976, Winthrop Laboratory, Division of Sterling Drugs, Inc., 33 Riverside Avenue, Rensselaer, N.Y. 12144, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pethidine, a basic class of controlled substance in schedule II.

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43 (a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of pethidine, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than July 9, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: May 27, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16366 Filed 6-4-76;8:45 am]

IMPORTER OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated February 20, 1976, and published in the FEDERAL REGISTER on March 4, 1976 (41 FR 9403), and by Notice of Correction dated April 6, 1976, and published in the FEDERAL REGISTER on April 12, 1976 (41 FR 15352), B. David Halpern, Polysciences, Inc., Paul Valley Industrial Park, Warrington, PA 18976, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, a basic class of controlled substance listed in schedule I, for the importation of unique isomers and semi-synthetic manufacturers for supply to researchers and analytical laboratories as standards.

No comments or objections have been received, and the criteria of Section 1002(a)(2)(B) of the Act has been met in that there are no registered domestic bulk manufacturers of tetrahydrocannabinols. Therefore pursuant to Section 1008 Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and in accordance with 21 CFR Section 1311.42, the above firm is granted registration as an importer of tetrahydrocannabinols, as specified above.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16367 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated April 6, 1976, and published in the FEDERAL REGISTER on April 12, 1976; (41 FR 15352), Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of mescaline is granted.

Dated: May 25, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16368 Filed 6-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Registration

By notice dated March 24, 1976, and published in the FEDERAL REGISTER on April 1, 1976; (41 FR 13957), MD Pharmaceutical Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of diphenoxylate, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of diphenoxylate is granted.

Dated: May 24, 1976.

JERRY N. JENSON,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.76-16370 Filed 6-4-76;8:45 am]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Commission on Juvenile Justice and Delinquency Prevention will meet Thursday and Friday, July 1 and 2, 1976 in Washington, D.C. The meeting is scheduled to convene at 9:00 a.m. on Thursday, July 1, in the 13th Floor Conference Room of LEAA's Central Office, 633 Indiana Avenue, N.W., Washington, D.C. The meeting is scheduled to run all day Thursday and will adjourn by 1:00 p.m. on Friday, July 2nd.

Discussion at the meeting will focus on draft standards concerning pre-adjudication, adjudication and appellate procedures in juvenile and family courts, the scope of neglect and abuse jurisdiction of those courts, and on the commentary being prepared for the Standards Committee's September 30, 1976 Report.

The meeting will be open to the public.

For further information, please contact:

Richard Van Duizend, National Institute of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (202)376-3952.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-16325 Filed 6-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 76-22]

PROPOSED DOMESTIC LIVESTOCK GRAZING PROGRAM FOR THE CHALLIS PLANNING UNIT, CUSTER COUNTY, IDAHO

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for domestic livestock grazing for the Challis Planning Unit in Custer County, Idaho. The Department of the Interior invites written comments on this statement.

The statement addresses itself to domestic livestock grazing management on 340,000 acres of national resource lands in the Challis Planning Unit. It discusses the environmental impacts of livestock grazing and considers alternative levels of management as well as alternatives to livestock grazing.

Notice is hereby given that public hearings will be held at the American Legion Hall, Challis, Idaho, July 7, 1976, at 9 a.m. MDT, and Alturas Room, Rodeway Inn, Boise, Idaho, July 9, 1976, at 9 a.m. MDT.

Individuals wishing to testify may do so by appearing at the hearing place as specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at the public hearing, individuals or spokesmen are requested to complete a hearing registration form. Details regarding preregistration for those giving testimony may be obtained from the State Director, Idaho State Office, Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83702 (telephone 208-342-2711, extension 2291).

Written comments will be accepted by the Idaho State Director at the above address for 45 days after publication of this notice.

Limited copies of this draft statement are available upon request to the Idaho State Director at the above address. Copies may also be obtained by writing the Director (130), Bureau of Land, Management, Department of the Interior, Washington, D.C. 20240.

Copies are available for inspection at the following locations:

Alaska State Office: 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office: Federal Building, 2400 Valley Bank Center, Phoenix, Arizona 85073.
California State Office: Federal Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.
Colorado State Office: 1600 Broadway, Colorado State Building, Room 700, Denver, Colorado 80202.
Idaho State Office: Federal Building, Room 398, 550 West Fort Street, Boise, Idaho 83724.
Montana State Office: (N. Dak., S. Dak.) Federal Building, 22 North 23rd Street, Billings, Montana 59107.
Nevada State Office: Federal Building, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office: Federal Building, South Federal Place, Santa Fe, New Mexico 87501.
Oregon State Office: (Washington) 729 Northeast Oregon Street, Portland, Oregon 97208.
Utah State Office: University Club Building, 136 South Temple, Salt Lake City, Utah 84111.
Wyoming State Office: (Nebr., Kansas) Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.
Washington, D.C.: Office of Public Affairs, Room 5625, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.
Eastern States Office: Robin Building, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

In addition to the above locations, copies are available for inspection at all local Bureau of Land Management Distract Offices.

GEORGE L. TURCOTT,
Associate Director.

Approved: May 28, 1976.

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

[FR Doc.76-16571 Filed 6-4-76;8:45 am]

[INT DES 76-21]

COLORADO

Notice of Availability of Draft Environmental Statement

The draft environmental statement for the proposed development of coal resources in northwest Colorado is available for public review.

The Bureau of Land Management invites written comments on the draft environmental statement to be submitted within 45 days from date of this notice to the Bureau of Land Management, Northwest Colorado Environmental Statement Project Office, Post Office Box 689, Steamboat Springs, Colorado 80477.

A limited number of copies are available upon request to the Northwest Colorado Environmental Statement Project Office at the above address.

Public reading copies will be available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th and E Sts., N.W., Washington, D.C. 20240.
Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202.
Craig District Office, 455 Emerson Street, Craig, Colorado 81625.
Northwest Colorado Environmental Statement Project Office, Room 103, Holiday Inn, Steamboat Springs, Colorado 80477.

U.S. GEOLOGICAL SURVEY OFFICES

Area Oil & Gas Supervisor, U.S. Geological Survey, Denver Federal Center, Post Office Box 25046, Denver, Colorado 80225.
U.S. Geological Survey, Public Inquiries Office, National Center, Mail Stop 302, Reston, Virginia 22092.
U.S. Geological Survey, Library Exchange and Gift Unit, National Center, Mail Stop 950, Reston, Virginia 22092.

COUNTY COURTHOUSES

Moffat County Courthouse, Craig, Colorado 81625.
Routt County Courthouse, 522 Lincoln, Steamboat Springs, Colorado 80477.
Rio Blanco County Courthouse, Meeker, Colorado 81641.

PUBLIC LIBRARIES

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80203.
Public Library of Craig, Colorado 81625.
Public Library of Hayden, Colorado 81639.
Public Library of Oak Creek, Colorado 80467.
Public Library of Meeker, 200 Main Street, Meeker, Colorado 81641.
Public Library of Rangely, 109 East Main, Rangely, Colorado 81648.
Werner Memorial Library, Steamboat Springs, Colorado 80477.

Notice is also given that oral and/or written comments will also be received at public hearings on July 7, 1976, at the Moffat County Court House Auditorium, Craig, Colorado; and on July 8, 1976, at the Wyer Auditorium, Denver Public Library, 1357 Broadway, Denver, Colorado. Hearings are scheduled to begin at 1:00 p.m. and 7:00 p.m. at both locations.

Oral testimony of ten minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The ten minute time limitation will be strictly enforced. Complete texts of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted ten minutes.

Speakers will be heard, if present, in their established order on the witness list. After the last witness present has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinion of a private citizen.

Written requests to testify orally should be received at the Northwest Colorado Coal Environmental Statement Project Office, Post Office Box 689, Steamboat Springs, Colorado 80477, prior to close of business on July 2, 1976. Requests should identify the organization represented, should be signed by the prospective witness, and should state the location (Craig or Denver) and approximate time (afternoon or evening) for giving oral testimony. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

STANLEY D. DOREMUS,
Deputy Assistant Secretary.

JUNE 2, 1976.

[FR Doc.76-16413 Filed 6-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

MIDDLE WALNUT WATERSHED PROJECT, KANSAS

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Middle Walnut Watershed project, Butler, Sedgwick, Cowley and Sumner Counties, Kansas, USDA-SCS-EIS-WS-(ADM)-76-1(F)-KS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 14 floodwater retarding structures and one multiple-purpose reservoir with recreation facilities.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

Dated: May 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-16320 Filed 6-4-76;8:45 am]

UPPER BUFFALO CREEK WATERSHED PROJECT, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done (channel work excluded) in the Upper Buffalo Creek Watershed Project, Marion County, West Virginia.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and water-oriented public recreation. The planned works of improvement remaining to be installed (other than channel work) include conservation land treatment, eight single-purpose floodwater retarding structures, and one multiple-purpose recreation and floodwater retarding structure with associated recreation facilities.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, 75 High Street, Morgantown, West Virginia 26505. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until June 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 27, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.76-16319 Filed 6-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

List of Names and Addresses

In accordance with headnote 2 to Subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Part 315 (39 FR 2080; January 18, 1974), the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Deputy Assistant Secretary for Domestic Commerce of the Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

UNITED BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1976 WITH DATE OF CERTIFICATION

Adams International Truck Co., Inc., 116 Carroll Street, P.O. Box 1556, Thomasville, Georgia 31792, January 18, 1976.

Allentown Brake & Wheel Service, Inc., R.D. 3—P.O. Box 2088, Allentown, Pennsylvania 18001, October 19, 1975.

Allied Tank Truck Equipment Co., 3rd and Chestnut Street, Collegeville, Pennsylvania 19426, September 9, 1975.

AM General Corporation, 32500 Van Born Road, Wayne, Michigan 48184, April 1, 1976.

American La France, Div. American La France Street, Elmira, New York 14902, July 8, 1975.

American Motors Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, January 1, 1976.

American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, Oklahoma 73126, January 18, 1976.

American Trailers, Inc., 5702 East Admiral Place, Tulsa, Oklahoma 74115, January 1, 1976.

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minnesota 55113, January 18, 1976.

Amthor's Welding Service, Inc., 307 State Route 52 East, Walden, New York 12586, July 9, 1975.

Harold G. Anderson Equipment Corp., One Anderson Drive, Albany, New York 12055, October 4, 1975.

Antietam Equipment Corporation, P.O. Box 91, Hagerstown, Maryland 21740, January 1, 1976.
ARBE Products, Inc., 225 South Street, Rochester, Michigan 48063, September 15, 1975.
Arctic Enterprises, Inc., P.O. Box 635, Thief River Falls, Minnesota 56701, August 1, 1975.
Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Illinois 62702, April 1, 1976.
Automated Waste Equipment Co., Inc., Box 708, Trenton, New Jersey 08604, September 1, 1975.
Automotive Service Company, 111–113 North Waterloo, Jackson, Michigan 49204, January 18, 1976.
Avanti Motor Corporation, 765 South Lafayette Blvd., P.O. Box 1916, South Bend, Indiana 46634, January 10, 1976.
Bethlehem Fabricators, Inc., 1700 Riverside Drive, P.O. Box 70, Bethlehem, Pennsylvania 18016, January 20, 1976.
Allan U. Bevier, Inc., Rt. 1, Box 280–B, Queenstown, Maryland 21658, October 10, 1975.
Blue Bird Body Company, P.O. Box 937, Fort Valley, Georgia 31030, January 18, 1976.
Bock Products, Inc., 1901 W. Hively, Elkhart, Indiana 46514, January 1, 1976.
Bound Brook Safety, Rt. No. 22, Bound Brook, New Jersey 08805, January 1, 1976.
Boyertown Auto Body Works, Inc., Boyertown, Pennsylvania 19512, September 1, 1975.
Brake & Electric Sales Corp., 300 Mystic Avenue, Medford, Massachusetts 02155, January 1, 1976.
Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wisconsin 53226, January 1, 1976.
Brake Service & Parts, Inc., 170 Washington Street, Bangor, Maine 04401, January 18, 1976.
Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp., 50 Roanoke Avenue, Newark, New Jersey 07105, January 1, 1976.
Bus Andrews Equipment, 2828 E. Kearney, P.O. Box 323, Springfield, Missouri 65803, January 1, 1976.
Butler Manufacturing Company, 900 Sixth Avenue, S.E., Minneapolis, Minnesota 55414, July 1, 1975.
The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129, January 1, 1976.
Carpenter Body Works, Inc., Highway 37, Mitchell, Indiana 47446, January 1, 1976.
Champion Carriers, Inc., 2321 E. Pioneer Drive, Irving, Texas 75061, October 20, 1975.
Checker Motors Corporation, 2016 N. Pitcher Street, Kalamazoo, Michigan 49007, January 1, 1976.
Cherry Valley Tank Div., Inc., 75 Cantiague Road, Westbury, New York 11590, April 9, 1976.
Chrysler Corporation, Chrysler Center, 12000 Oakland Avenue, Highland Park, Michigan 48231, January 18, 1976.
B. M. Clark Company, Inc., Route 17—P.O. Box 185, Union, Maine 04862, January 14, 1976.
Clark Truck Equipment, 2371 Aztec Road, N.E., Albuquerque, New Mexico 87103, January 1, 1976.
Clement-Braswell, Sargent Ind. Div., P.O. Box 914, Sibley Road, Minden, Louisiana 71055, January 1, 1976.
Fred Clemett & Company, Inc., 2020 Lemoyne Street, P.O. Box 26, Syracuse, New York 13211, July 1, 1976.
Collins Industries, Inc., P.O. Box 58, HABIT, Hutchinson, Kansas 67501, December 1, 1975.
Comet Corporation, N. 3808 Sullivan Road, Spokane, Washington 99216, January 18, 1976.
Commercial Truck & Trailer, Inc., 813 North State Street, Girard, Ohio 44420, January 1, 1976.
Cook Body Company, 3701 Harlee Avenue, Charlotte, North Carolina 28208, October 22, 1975.
Correct Manufacturing Corp., London Road Extension, P.O. Box 689, Delaware, Ohio 43015, July 1, 1975.
Crane Carrier Company, 1925 N. Sheridan, Tulsa, Oklahoma 74151, September 19, 1975.
Crenshaw Corporation, 1700 Commerce Road, Richmond, Virginia 23224, July 1, 1975.
Cross Truck Equipment Co., Inc., 1801 Perry Drive, S.W., Canton, Ohio 44706, August 23, 1975.
Crown Coach Corporation, 2428 East 12th Street, Los Angeles, California 90021, March 20, 1976.
Daleiden Auto Body & Mfg. Corp., 425 E. Vine Street, Kalamazoo, Michigan 49001, January 12, 1976.
Dealers Truck Equipment Co., Inc., P.O. Box 1435 MCA, Shreveport, Louisiana 71130, January 1, 1976.
Dealers Truckstell Sales, Inc., 653 Beale Street, P.O. Box 502, Memphis, Tennessee 38101, January 1, 1976.
Decker Tank Co., Div. of Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, New Jersey 07506, November 3, 1975.
John Deere Horicon Works of Deere & Company, 220 E. Lake Street, Horicon, Wisconsin 53032, June 1, 1975.
Delevan Industries, 1560 Harlem Road, Buffalo, New York 14206, January 1, 1976.
Delta Truck Body Company, P.O. Box 338, Montgomeryville, Pa. 18936, January 1, 1976.
Dufrane Motor Distributors, Inc., 417 E. Main Street, Malone, New York 12953, January 1, 1976.
Dunham Manufacturing Company, P.O. Box 430, Minden, Louisiana 71055, January 1, 1976.
Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, New Jersey 07503, January 1, 1976.
Elder International, Inc., 5875 North Loop, P.O. Box 2061, Houston, Texas 77001, December 1, 1975.
Equipment Industries, 100 Pavonia, Jersey City, New Jersey 07302, January 1, 1976.
Equipment Service, Inc., 40 Airport Road, Hartford, Connecticut 06114, April 1, 1976.
E. D. Etnyre and Company, 200 Jefferson Street, Oregon, Illinois 61061, October 1, 1975.
E. & R. Trailer Sales, Inc., R.R. No. 1, Middle Point, Ohio 45863, January 1, 1976.
Ewell Equipment Company, Inc., 307 N. Timberland Drive, Lufkin, Texas 75901, February 1, 1976.
Excalibur Automobile Corporation, 1735 South 106th Street, Milwaukee, Wisconsin 53214, May 22, 1975.
Fifth Wheel, Inc., Box 15706, Tulsa, Oklahoma 74115, January 1, 1976.
Fleet Equipment Company, 10605 Harry Hines, P.O. Box 20578, Dallas, Texas 75220, December 1, 1975.
The Flxible Company, 326–322 N. Water Street, Loudonville, Ohio 44842, January 1, 1976.
Ford Motor Company, The American Road, Dearborn, Michigan 48121, January 18, 1976.
F & P Export Sales Corporation, F & P Truck & Trailer Equip. Div., 254–266 Central Avenue, Newark, New Jersey 07103, October 12, 1975.
Freightliner Corporation, 2525 S.W. Third Avenue, Portland, Oregon 97201, December 14, 1975.
Frost Trailer Company, Inc., Well Road, P.O. Box 847, West Monroe, Louisiana 71291, January 1, 1976.
Fruehauf Corporation, 10900 Harper Avenue, Detroit, Michigan 48232, December 1, 1975.
FWD Corporation, 105 East 12th Street, Clintonville, Wisconsin 54929, January 1, 1976.
Gallagher's Tank & Equipment, Inc., 317 West Service Road, Hartford, Connecticut 06120, June 1, 1975.
Peter Garafano & Son, Inc., 264 Wabash Avenue, Paterson, New Jersey 07503, June 4, 1975.
General Motors Corporation, 3044 West Grand Blvd., Detroit, Michigan 48202, January 19, 1976.
General Trailer Company, Inc., 546 W. Wilkins Street, Indianapolis, Indiana 46225, January 27, 1976.
General Truck Equipment, 5310 Broadway, Jacksonville, Florida 32205, January 1, 1976.
General Truck Sales, 534 Murfreesboro, Nashville, Tennessee 37210, January 1, 1976.
The Gertsenslager Company, 1425 East Bowman Street, Wooster, Ohio 44691, July 1, 1975.
Gidley-Eschenheimer Corporation, 858 Providence Highway, Dedham, Massachusetts 02026, July 15, 1975.
Gillig Brothers, 25800 Clawiter Road, Hayward, California 94543, January 1, 1976.
Gilson Brothers Company, P.O. Box 152, Plymouth, Wisconsin 53073, September 26, 1975.
Gooch Brake and Equipment Company, 531 Grand Avenue, Kansas City, Missouri 64106, January 11, 1976.
Granning Service Corporation, 2471 Wyoming, Dearborn, Michigan 48120, January 1, 1976.
The Greyhound Corporation, Greyhound Tower, Phoenix, Arizona 85077 (doing business as) Motor Coach Industries, Inc., Pembina, North Dakota 58271, & Transportation Manufacturing Corp., Roswell, New Mexico 88201, August 1, 1975.
Hackney and Sons, P.O. Box 880, Washington, North Carolina 27889, January 1, 1976.
Hallenberger, Inc., 5716 U.S. Hwy. 460 East, P.O. Box 5085, Evansville, Indiana 47715, January 1, 1976.
Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, Milwaukee, Wisconsin 53201, April 1, 1976.
Harris Rim & Wheel, Inc., 1920 Nolensville Road, P.O. Box 7362, Nashville, Tennessee 37210, January 1, 1976.
Harris Truck and Trailer, 219 N. Kings Highway, Cape Girardeau, Missouri 63701, January 1, 1976.
Harval Truck Equipment, 1000 E. 8th Street, Los Angeles, California 90813, January 1, 1976.
Haygood Incorporated, 999 Channel Avenue, Memphis, Tennessee 38113, January 1, 1976.
H–C–L Equipment Company, 105 N. 13th Street, Billings, Montana 59103, January 1, 1976.
Hell Equipment Company of Philadelphia, Inc., 1223 Ridge Pike, Conshohocken, Pennsylvania 19428, January 1, 1976.
Henrickson Manufacturing Company, 8001 West 47th Street, Lyons, Illinois 60534, January 1, 1976.
Herter's, Inc., Route 1, Waseca, Minnesota 56093, May 15, 1975.
The Hess & Eisenhardt Company, 8959 Blue Ash Road, Cincinnati, Ohio 45242, January 9, 1976.

Hews Body Company, 190 Rumery Street, South Portland, Maine 04106, January 18, 1976.

H. & H. Truck Tank Company, Inc., 745 Tonnele Avenue, Jersey City, New Jersey 07307, September 1, 1975.

Hobbs Equipment Company, Inc., Keeler Avenue, P.O. Box 59, South Norwalk, Connecticut 06856, August 9, 1975.

H. M. Howe Co. of New England, Inc., 93 Bucklin Street, Providence, Rhode Island 02907, December 12, 1975.

O. G. Hughes & Sons, Inc., 4816 Rutledge Pike, P.O. Box 6277, Knoxville, Tennessee 37914, January 1, 1976.

Hustler Corporation, 3029 Distribution Drive, Jonesboro, Arkansas 72401, November 1, 1975.

Illinois Auto Central, Inc., 4750 South Central Avenue, Chicago, Illinois 60638, January 1, 1976.

Indiana Truck & Trailer, Inc., 2017 Business Highway No. 41, Evansville, Indiana 47711, January 1, 1976.

International Body Company, 545 Duke Road, Buffalo, New York 14225, January 1, 1976.

International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, January 18, 1976.

Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, Vermont 05461, July 1, 1975.

Isco Manufacturing Company, 13850 Wyandotte, Kansas City, Missouri 64145, January 1, 1976.

Jamie E. Jacobs, Owner, New England Oil Burner Company, Vermont Chemicals, Bobcat Mfg. Company, Inc., Colchester, Vermont 05446, and Bobcat Mfg. Company, Inc., P.O. Box 191, Peck Hill Road, Johnston, Rhode Island 02910, January 8, 1976.

Jeep Corporation, 14250 Plymouth Road, Detroit, Michigan 48232, January 1, 1976.

Kaffenbarger Welding, 10100 Ballentine Road, New Carisle, Ohio 45344, January 1, 1976.

Kay Wheel Sales Company, Van Kirk Street at State Road, Philadelphia, Pennsylvania 19135, January 1, 1976.

Kelsey-Hayes Company, Fabco Division, 1249 67th Street, Oakland, California 94608, September 1, 1975.

L. W. Ledwell & Son, Inc., P.O. Box 1106, Texarkana, Texas 75501, January 18, 1976.

Leland Equipment Company, 7777 E. 42nd Place South, P.O. Box 45128, Tulsa, Oklahoma 74145, January 18, 1976.

Loadcraft, Curtis Field, P.O. Box 431, Brady, Texas 76825, January 1, 1976.

Long Trailer Service, Inc., P.O. Box 5105, Greenville, South Carolina 29606, January 1, 1976.

Mack Trucks, Inc. P.O. Box M, Allentown, Pennsylvania 18105, January 18, 1976.

Maday Body & Equipment Corp., 575 Howard Street, Buffalo, New York 14206, January 1, 1976.

Madison Truck Equipment, Inc. 2410 S. Stoughton Road, Madison, Wisconsin 53716, October 22, 1975.

Manning Equipment, Inc., 12000 Westport Road, P.O. Box 22266, Louisville, Kentucky 40222, April 16, 1976.

Massart Supply, Inc., Lafayette, Louisiana 70501, January 1, 1976.

Maxon Industries, Inc., 1960 E. Slauson Avenue, Huntington Park, California 90255, August 16, 1975.

Memphis Brake Service, 600 Hernando Street—P.O. Box 86, Memphis, Tennessee 38101, January 1, 1976.

Mercury Marine, Div. of Brunswick Corp., 1939 Pioneer Road, Fond du Lac, Wisconsin 54935, June 24, 1975.

Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, California 94710, January 18, 1976.

Mickey Truck Bodies, Inc., 1305 Trinity Avenue, High Point, North Carolina 27261, June 30, 1975.

Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608, January 18, 1976.

Mid West Truck Equipment Sales Corporation, 640 East Pershing Road, Decatur, Illinois 62526, February 22, 1976.

Moline Body Company, 222 52nd Street, Moline, Illinois 61265, January 6, 1976.

Monon Trailer (a Div. of Evans Products Co.), P.O. Box 655, Monon, Indiana 47959, April 8 1976.

Moore and Sons, Inc., P.O. Box 30091, 2900 Airways Blvd., Memphis, Tennessee 38130, January 1, 1976.

Motor Truck, 2950 Irving Blvd., P.O. Box 47385, Brookhollow Station, Dallas, Texas 75247, January 1, 1976.

MTD Products, Inc., 5389 West 130th Street, P.O. Box 2741, Cleveland, Ohio 44111, September 15, 1975.

Mutual Wheel Company, 2345 4th Avenue, Moline, Illinois 61265, February 20, 1976.

Nabors Trailers, Inc., P.O. Box 979, Mansfield, Louisiana 71052, January 1, 1976.

Neil's Automotive Service, Inc., 167 E. Kalamazoo Avenue, Kalamazoo, Michigan 49006, January 1, 1976.

Nelson Manufacturing Company, Route 1, Box 90, Ottawa, Ohio 45875, January 1, 1976.

Newark Truck Parts, 560 Market Street, Newark, New Jersey 07105, January 1, 1976.

Novi Manufacturing Company, P.O. Box 324, Novi, Michigan 48050, November 1, 1975.

Ohio Body Manufacturing Company, Main Street, New London, Ohio 44851, January 1, 1976.

Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232, January 1, 1976.

Olson Bodies, Inc., 600 Old Country Road, Garden City, New York 11530, November 1, 1975.

Olson Trailer & Body Builders Co., 2740 South Ashland Avenue, P.O. Box 2445, Green Bay, Wisconsin 54306, January 18, 1976.

Omaha Standard, 2401 W. Broadway, Council Bluffs, Iowa 51501, January 1, 1976.

Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54901, January 18, 1976.

Outboard Marine Corporation, 100 Sea Horse Drive, Waukegan, Illinois 60085, January 18, 1976.

PACCAR, Inc., d/b/a Kenworth Truck Company, Peterbilt Motors Company, P.O. Box 1518, Bellevue, Washington 98009, January 18, 1976.

Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101, January 18, 1976.

Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, Massachusetts 01069, January 18, 1976.

Peabody Galion Corporation, 500 Sherman Street, Galion, Ohio 44833, November 1, 1975.

Peerless Division, Royal Industries, Inc., 18205 S.W. Boones Ferry Road, P.O. Box 447, Tualatin, Oregon 97062, January 8, 1976.

Perfection Equipment Company, 5100 West Reno, Oklahoma City, Oklahoma 73107, January 12, 1976.

Petroleum Equipment & Supply Co., Inc., 321 Forbes Avenue, New Haven, Connecticut 06512, September 27, 1975.

Phoenix Manufacturing, Inc., 375 West Union Street, Nanticoke, Pennsylvania 18634, February 20, 1976.

Pointer Williamette, 801 Houser Way, Renton, Washington 98055, January 1, 1976.

Polaris E-Z-Go Div. of Textron, Inc., 1225 N. County Road 18, Minneapolis, Minnesota 55427, August 2, 1975.

C. E. Pollard Company, 13575 Auburn Avenue, Detroit, Michigan 48223, July 27, 1975.

Power Brake Service & Equipment Co., Inc., 1022 Carnegie Avenue, Cleveland, Ohio 44115, October 21, 1975.

Providence Body Company, 750 Wellington Avenue, Cranston, Rhode Island 02910, June 1, 1975.

Pullman Trailmobile, Div. of Pullman Incorporated, 200 East Randolph Drive, Chicago, Illinois 60601, April 1, 1976.

Quality Truck Equipment Company, Route 66 By-Pass & Mercer Avenue, P.O. Box 102, Bloomington, Illinois 61701, November 15, 1975.

Recreatives Limited, 60 Depot Street, Buffalo, New York 14206, July 13, 1975.

Reliable Spring Company, Inc., 10557 S. Michigan Avenue, Chicago, Illinois 60628, January 20, 1976.

Roanoke Welding Company, P.O. Box 4373, Roanoke, Virginia 24015, January 1, 1976.

R. O. Corporation, 550 East Highway 56, Olathe, Kansas 66061, December 1, 1975.

Rowland Truck Equipment, Inc., 2900 Northwest 73rd Street, P.O. Box 47-398, Miami, Florida 33147, November 19, 1975.

R/S Truck Body Company, P.O. Box 127, Allen, Kentucky 41601, January 1, 1976.

Saunders Leasing Systems, 3001 5th Avenue, Birmingham, Alabama 35323, January 1, 1976.

Schien Body and Equipment Co., Inc., North on University, Carlinville, Illinois 62626, January 18, 1976.

Schweigers, Inc., South Highway 81, Watertown, South Dakota 57201, January 18, 1976.

Scientific Brake & Equipment Co., 314 W. Genesee Avenue, Saginaw, Michigan 48602, January 19, 1976.

Scorpion, Inc., Box 300, Crosby, Minnesota 56441, April 29, 1976.

Sebring-Vanguard, Inc., 4532 U.S. Hwy. 27, South, P.O. Box 1963, Sebring, Florida September 1, 1975.

Sharpsville Steel Equipment Co., 6th & Main Streets, Sharpsville, Pennsylvania 16150, January 2, 1976.

SMI (Watertown), Inc., Purdy Avenue, Watertown, New York 13601, August 1, 1975.

Smith-Moore Body Company, Inc., P.O. Box 27287, Richmond, Virginia 23261, January 18, 1976.

Somerset Welding, P.O. Box 628, Somerset, Pennsylvania 15501, January 1, 1976.

South Florida Engineering, Inc., 5911 E. Buffalo Avenue, P.O. Box 11927, Tampa, Florida 33680, July 2, 1975.

Southwest Truck Body Company, 200 Sidney Street, St. Louis, Missouri 63104, February 11, 1976.

Spring Valley Dodge, Inc., 19 South Main Street, Spring Valley, New York 10977, April 1, 1976.

Spurgeon Design, Route 1, Box 204, Dassel, Minnesota 55325, April 18, 1976.

Steffen, Inc., 623 West 7th Street, Sioux City, Iowa 51104, November 4, 1975.

Superior Lima Division, Sheller-Globe Corporation, 1200 East Kibby Street, Lima, Ohio 45802, March 20, 1976.

Thiokol Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321, January 15, 1976.

Thomas Built Buses, Inc., 1408 Courtest Road, P.O. Box 1849, High Point, North Carolina 27261, August 1, 1975.

Traffic Transport Engineering, 28900 Goddard Road, P.O. Box 536, Romulus, Michigan 48174, January 1, 1976.

Trailmobile Inc., 8542 E. Slauson Blvd., Pico Rivera, California 90660, January 1, 1976.

Transport Equipment Company, 3400 6th Avenue, South, P.O. Box 3817, Seattle, Washington 98124, January 18, 1976.

Truck Equipment Company, 85 E. Longview Avenue, Mansfield, Ohio 44905, January 1, 1976.

Truck Equipment Company, Inc., 1911 S.W. Washington Street, Peoria, Illinois 61602, January 18, 1976.
Truck Equipment, Inc., 1560 N.E. 44th Street, Des Moines, Iowa 50313, January 1, 1976.
Truck Equipment, Inc., 680 Potts Avenue, Green Bay, Wisconsin 54304, January 18, 1976.
Truck Equipment Service, 800 Oak Street, Lincoln, Nebraska 68521, January 1, 1976.
Truck Parts & Equipment, Inc., 4501 West Esthner, Wichita, Kansas 67209, November 11, 1975.
Truck Trailer, 2535 Airport Way South, Seattle, Washington 98134, January 1, 1976.
Truck and Trailer Equipment Co., 4214 W. Mt. Hope Road, Lansing, Michigan 48904, January 1, 1976.
Truck & Transportation, Equipment Co., Inc., 260 Industrial Avenue, P.O. Box 10455, Jefferson, Louisiana 70181, January 1, 1976.
Tuff Boy, Inc., 5151 E. Almondwood Drive, Manteca, California 95336, January 1, 1976.
Union City Body Company, Inc., 1015 West Pearl Street, Union City, Indiana 47390, August 15, 1975.
Unit Rig & Equipment Company, P.O. Box 3107, Tulsa, Oklahoma 74101, January 1, 1976.
Vulcan Trailer Manufacturing Company, 1321 3rd Street, Ensley, Birmingham, Alabama 35214, December 1, 1975.
Walter Motor Truck Company, School Road, Voorheesville, New York 12186, April 29, 1976.
Ward School Bus Manufacturing, Inc., Highway 65B, South, Conway, Arkansas 72032, April 19, 1976.
J. C. Warren Company, Box 26308, Charlotte, North Carolina 28213, January 1, 1976.
Wayne Corporation, an Indian Head Company, P.O. Box 1447, Industries Road, Richmond, Indiana 47374, October 31, 1975.
Westinghouse Air Brake Company, Construction & Mining Equip. Group, 2301 N.E. Adams Street, Peoria, Illinois 61639, February 1, 1976.
Weston Equipment Company, Inc., 130 Railroad Hill Street, Waterbury, Connecticut 06708, January 3, 1976.
Wheel and Brake, 1270 Memorial Drive, Atlanta, Georgia 30316, January 1, 1976.
White Motor Corporation, 100 Erieview Plaza, Cleveland, Ohio 44114, January 18, 1976.
White Trucks & Equipment Sales, Inc., 2401 Dinneen Avenue, P.O. Box 7185, Orlando, Florida 32804, December 1, 1975.
Wilson Trailer Sales, Highway 301 South, Wilson, North Carolina 27893, January 1, 1976.
Winnebago Industries, Inc., P.O. Box 152, Jct. Highways 9 & 69, Forest City, Iowa 50436, March 19, 1976.
Wollard Aircraft Equipment, Inc., 6950 N.W. 77th Court, Miami, Florida 33166, December 1, 1975.
Wyman's Inc., Northfield Road, Box 541, Montpelier, Vermont 95602, July 1, 1975.
Young Ottawa, Inc., 23100 Providence Drive, Southfield, Michigan 48075. January 1, 1976.
Young Ottawa, Inc., A Gulf & Western Manufacturing Co., 415 East Dundee Street, Ottawa, Kansas 66067, January 1, 1976.

Dated: May 28, 1976.

SAMUEL B. SHERWIN,
Deputy Assistance Secretary for Domestic Commerce.

[FR Doc.76-16321 Filed 6-4-76;8:45 am]

LOWELL TECH. INST.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00384-01-46040. Applicant: Lowell Technological Institute, Dept. of Chemistry, 1 Textile Avenue, Lowell, Massachusetts 01854. Article: Electron Microscope, Model JEM 100 with Tilt Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the formation of polymer mesophases, and their structure-properties relationships.

Comments: Comments have been received from the Adam David Company (AD) on March 20, 1975. AD alleges *inter alia* that its EMU-4C has certain features which were cited as pertinent to the applicant's intended purposes. AD also notes that the Lowell Technological Institute's Department of Biological Sciences made a request for quote for a medium resolution electron microscope in the same month that the foreign article [which the Department notes has a higher resolution] was ordered by the Department of Chemistry [the applicant].

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 19, 1973).

Reasons: The foreign article is equipped with a eucentric goniometer stage and has a guaranteed resolution of 4 Angstroms point to point. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C available from AD. The National Bureau of Standards (NBS) advises in its memorandum dated July 18, 1975 that the eucentric goniometer stage of the article is pertinent to the applicant's intended purposes. NBS further advises that the EMU-4C does not have a scientifically equivalent goniometer stage. In connection with the comments of Adam David, we note that the Department of Biological Sciences not only requested quotes for a medium resolution electron microscope but actually ordered a medium resolution instrument (from a foreign manufacturer other than the manufacturer of the article to which this application relates). Moreover, the Department of Biological Sciences obtained duty-free entry for the electron microscope it ordered through submission of Docket Number 75-00010-33-46040.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-16401 Filed 6-4-76;8:45 am]

NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00299. Applicant: North Carolina Agricultural & Technical State University, Greensboro, North Carolina 27411. Article: (7 cases) 314-40, Flasks, Graduated, Stoppered, 1001 ml and (20 cases) 701-42, Bored Caps for sliding joints S.V.L. joint #22. Manufacturer: Sovirel of France, France. Intended use of article: The article is intended to be used in measurements of hydrocarbons produced from lipid oxidation in freeze-dried foods. Experiments will be conducted to establish a method to evaluate the degree of rancidity (lipid oxidation) in freeze dried meats.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: We are advised by the Department of Health, Education, and Welfare (HEW) and the National Bureau of Standards (NBS) in

their memoranda dated April 23, 1976 and May 13, 1976 respectively that the foreign article provides a bored cap for holding a ⅛ inch thick silicone rubber system which is pertinent to the applicant's intended purposes. HEW and NBS also advise that they know of no comparable domestic instrument which is equipped with the pertinent feature of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-16402 Filed 6-4-76;8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00323. Applicant: University of California—Lawrence Livermore Laboratory, Post Office Box 808, Livermore, California 94550. Article: Monochromator type THR 1500. Manufacturer: Jobin-Yvon, France. Intended use of article: The article is intended to be used in a laser isotope separation program as an absolute standard for setting of laser array wavelengths in the laser stabilization program. Investigations will be conducted in the evaluation of laser stabilization schemes suitable for use in commercial processes for laser photoseparation of isotopes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a resolution greater than 1:270,000 (1:300,000). The National Bureau of Standards (NBS) advises in its memorandum dated May 14, 1976 that (1) the capability described above is pertinent to the applicant's intended use, (2) NBS knows of no comparable domestic instrument which matches the pertinent specification and (3) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 76-16403 Filed 6-4-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, July 7, 1976 in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to approve and forward to the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) a FIPS TG-13 report on guidelines for benchmarking computer systems.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

Dated: June 1, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-16364 Filed 6-4-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON PRODUCT LIABILITY

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. IV, 1974)) and Office of Management and Budget Circular A-63 of March 1974 and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Advisory Committee on Product Liability is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will advise the Secretary of Commerce on issues relating to product liability; review the research findings of the research staff of the Interagency Task Force on Product Liability; review data and analyses prepared by or for the research staff and prepare critical comments; propose potential remedies and review other proposals and their impacts; and advise the Department as to the various views of particular interest groups on proposed remedies.

The membership of the Committee will consist of not more than 40 members, appointed by the Secretary of Commerce. The Committee will have balanced representation from business, industry, consumer and labor groups.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, immediately after the publication of this notice. The Office of Management and Budget, Committee Management Secretariat, has waived the requirement for a 15-day waiting period between the publication of the Notice of Establishment and filing of the charter of the Committee.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Product Liability. Such comments, as well as any inquiries, may be addressed to Mr. Edward T. Barrett, Office of Business and Legislative Issues, Domestic and International Business Administration, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-2101.

Dated: June 2, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-16577 Filed 6-4-76;8:45 am]

SECRETARY'S ADVISORY COUNCIL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

The Secretary's Advisory Council will meet from 2:00 p.m. to 5:00 p.m. on June 29, 1976 at the Department of Commerce, Room 4830, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The recently established Secretary's Advisory Council, which is made up of a cross-section of distinguished leaders of industry, services, labor, consumers, and the academic community, is to advise the Secretary of Commerce on the broad policy objectives and goals of the Department. The Council may identify and make recommendations concerning current and proposed policies and programs in all areas of the Department's responsibilities. The issue to be addressed at this, the first Council meeting, is that of "Corporate Responsibility."

The agenda for the meeting is:

(1) Introduction by the Secretary of Commerce.

(2) Discussion on the issue of "Corporate Responsibility."

(3) Discussion of other topics, as introduced by the Council members.

The meeting will be open to the public and press. The public will be permitted to file written statements with the Council before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Copies of the minutes will be available upon written request 60 days after the meeting.

Inquiries may be addressed to the White House Fellow, Room 5896, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 (telephone 202/377-555).

Dated: June 3, 1976.

JOHN M. OBLAK,
White House Fellow,
U.S. Department of Commerce.

[FR Doc.76-16537 Filed 6-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA-225-76-4010]

INSPECTION OF DELAWARE FOOD PROCESSING AND STORAGE FACILITIES

Memorandum of Understanding With the Delaware Division of Public Health

The Food and Drug Administration is announcing that a Memorandum of Understanding has been executed with the Delaware Division of Public Health, effective June 1, 1976. The memorandum sets forth the working arrangements to be followed concerning inspection of Delaware food processing and storage facilities of mutual obligation.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice. The Memorandum of Understanding reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF ENVIRONMENTAL HEALTH, DIVISION OF PUBLIC HEALTH, DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES AND THE PHILADELPHIA DISTRICT, FOOD AND DRUG ADMINISTRATION

I. PURPOSE

It will be the purpose of this understanding to provide more effective consumer protection through more efficient federal and state inspectional coverage of the Delaware food processing and storage industries. The two agencies will thus attempt to maximize their manpower utilization and eliminate duplication.

II. WORK-SHARING PROGRAM

A. Goals and Responsibilities: The Delaware Bureau of Environmental Health and FDA Philadelphia District Investigations Branch will share the responsibility for the inspection of all Delaware food processing and storage facilities of mutual obligation. Close coordination and communication will be maintained to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance and consumer protection.

B. Inspectional Obligation.

1. Inspection Inventory: An inventory of firms covered by this understanding, hereafter referred to as the cooperative establishment inventory (CEI), as developed by both agencies will be maintained by FDA's data processing unit (DPU).

2. Inspectional Commitment: Delaware will inspect the number of CEI firms as specified in the food sanitation contract with FDA.

III. GENERAL PROVISIONS

A. Information Exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports: Each agency will provide inspection report information to its partner agency. All such information will be exchanged in a timely fashion.

2. Assay Reports: All reports of assay of products manufactured or stored by CEI firms will be exchanged for informational purposes.

3. Correspondence: Copies of written correspondence to and from CEI firms in the form of warning, informational, or request letters will be exchanged in a timely fashion.

B. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems involving foods and in checking the effectiveness of product recalls.

1. Recall Effectiveness Checks: Each agency will cooperate with the other in checking the effectiveness of product recalls in removing food products of public health significance from the market. The state will respond promptly within the limits of available manpower to FDA requests for aid during recalls as provided for by FDA's Emergency Procedures Plan.

2. Foodborne Illness Investigations: The head of the Delaware Bureau of Environmental Health or his designee will promptly notify the Director of FDA's Philadelphia Investigations Branch or his designee of suspected foodborne illnesses and request assistance as needed. FDA will provide requested assistance to the state and will be kept informed of the progress of state investigation by telephone and with written investigation reports.

If information is received by FDA regarding possible foodborne illness, contact will be promptly established with the state.

3. Disaster Work: Problems involving food contamination caused by disaster such as flood, fire, hurricane, carrier wreck, etc., will be handled jointly. The agency first learning about the disaster will be responsible for notifying its partner agency to assure adequate coordination of the investigation.

C. Consumer Complaints:

1. Received by Delaware: Consumer complaints involving out-of-state food products will be investigated at the consumer level by Delaware and submited to FDA for further follow-up investigation if indicated. FDA will arrange for investigation at the involved manufacturer and provide feedback information to Delaware.

2. Received by FDA: FDA will refer complaints received involving Delaware or interstate food products suspected of being adulterated or misbranded while in Delaware to the state for notification purposes and/or follow-up investigation. FDA will refer such complaints to Delaware on forms FD-2516 and 2516a. Delaware will complete section 5b of FD-2516a to denote action taken and will return the form to FDA retaining one copy for its files.

D. Compliance Follow-up:

1. Responsibility: It will be the responsibility of the agency which discovers a violation during inspection of a CEI firm to determine the impact required to achieve compliance and to follow-through to accomplish correction of the violation.

2. Impact Action: The responsible agency may elect one of several types of impact action: reinspection, sample collection, product embargo or seizure, product recall, warning letter, joint follow-up inspection, administrative hearing, prosecution, referral to its partner agency, etc. If referral is selected, it will become the responsibility of the partner agency to pursue the violation, within the limits of its authority, to achieve compliance.

E. Training: Training is considered essential for the maintenance of effective inspectional units. It will be discussed and planned for at each planning session (see Section "G").

1. Formal: Formal training courses sponsored by either agency will be made available whenever possible for the partner's personnel.

2. On-the-Job: Joint inspections will be used when indicated and requested by a partner agency to train new personnel or update the expertise of experienced personnel.

F. Performance Evaluation: Audit and joint inspections will be performed annually to evaluate program performance.

G. Program Review: Joint planning sessions will be held semi-annually to review this understanding, discuss the cooperative program, evaluate accomplishments and plan future cooperative work. The sessions will be alternated between Dover and Philadelphia. Each session will be arranged for and moderated by the FDA's Region III Food and Drug Director's Assistant for Intergovernmental Affairs.

IV. TERM OF UNDERSTANDING

This understanding will expire on May 31, 1977 unless renewed and signed by the heads of both cooperating agencies to continue it in effect for another year.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days' written notice by either agency.

Approved and accepted for the Delaware Division of Public Health:

Edward F. Gliwa, M.D., Director, Division of Public Health, Delaware Department of Health & Social Services.

Date: May 12, 1976.

Approved and accepted for the Food and Drug Administration:

Loren Y. Johnson, Deputy Regional Food and Drug Director, Food and Drug Administration, Philadelphia District.

Date: May 11, 1976.

Effective date: This Memorandum of Understanding became effective June 1, 1976.

Dated: June 1, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-16309 Filed 6-4-76;8:45 am]

Social and Rehabilitation Service

CERTIFICATION OF ALLOTMENT NEED

Transitional Quarter

Notice is hereby given that each State shall, pursuant to Section 2002(a)(2)(B) of the Social Security Act, certify whether the amount of its allotment for social services, as promulgated in the FEDERAL REGISTER, on September 19, 1975 (40 FR 4365), is greater or less than the amount needed for the Transitional Quarter July 1, 1976 through September 30, 1976 and if so, the amount by which the amount of such allotment is greater or less than such need. The certification shall be made on or before July 31, 1976 and shall apply to the three

month period beginning July 1, 1976 and ending September 30, 1976. The certification is irrevocable.

Dated: June 1, 1976.

M. KEITH WEIKEL,
Acting Administrator.

[FR Doc.16390 Filed 6-4-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-76-434]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Housing Management

Section L of the redelegation of authority to Regional Administrators et al. with respect to Housing Management published at 35 FR 16105, October 14, 1970, as amended, is revised to read:

SEC. L. *Additional authority redelegated to Insuring Office Officials.*

1. Each Insuring Office Director and Deputy Insuring Office Director in the offices listed below is authorized to exercise the power and authority of the Secretary of Housing and Urban Development for housing assisted under the U.S. Housing Act of 1937 (42 U.S.C. 1401, et seq.), including amendments under the Housing and Community Development Act of 1974 (42 U.S.C. 1437 et seq.).

Anchorage, Alaska	Albany, N.Y.
Honolulu, Hawaii	Providence, R.I.
Des Moines, Iowa	Salt Lake City, Utah
Topeka, Kans.	Boise, Idaho
Helena, Mont.	

The authority redelegated above includes the power and authority under sections 1(1) and 1(2) of Executive Order 11196, except the authority to:

a. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority in respect to the terms, covenants, or conditions of an annual contributions contract.

b. Terminate annual contributions contracts when the decision to terminate is made by the Federal Government.

c. Waive the provisions of annual contributions contracts: Provided, That each Insuring Office Director and Deputy Insuring Office Director is authorized to waive provisions with respect to the following:

i. Employment of a former local housing authority Commissioner.

ii. Frequency of reexamination of tenants to permit a local housing authority to change its established reexamination schedule.

iii. Approval of the use of force account for modernization programs.

iv. Approval of construction and equipment contracts for modernization exceeding $5,000, but not exceeding $50,000.

2. Each Director of Housing Management in the above listed Insuring Offices is authorized to exercise the powers and authorities redelegated to Directors of Housing Management in Area Offices in section D. (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date: This amendment to redelegation of authority is effective on June 7, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing Management.

[FR Doc.76-16408 Filed 6-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

DOW CHEMICAL CO.

[CGD 76-097]

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), The Dow Chemical Company of 2030 Dow Center, Midland, Michigan 48640, incorporated under the laws of the State of Delaware, did on 21 May 1976 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are resident of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on 21 May 1976, issued to The Dow Chemical Company a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: June 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-16385 Filed 6-4-76;8:45 am]

Federal Aviation Administration

FLIGHT SERVICE STATION

Notice of Relocation

Notice is hereby given that on or about August 1, 1976, the Flight Service Station presently located at 19851 Five Points Road, Cleveland, Ohio 44135, will be moving to the Federal Facilities Building, Cleveland Hopkins International Airport, Cleveland, Ohio 44135.

Issued in Des Plaines, Illinois on May 19, 1976.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-16247 Filed 6-4-76;8:45 am]

Federal Highway Administration

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Establishment of Public Docket No. 76-9 in New York City

The Federal Highway Administration has established the Public Docket for the submission of all written documents required to be served on parties in the above-styled matter. Parties are required to serve the Public Docket as well as the Administrative Law Judge and all other parties. Previous documents that have been served by parties will be filed in the Public Docket by the Federal Highway Administration as Public Counsel. In the future all documents concerning the above-styled matter will refer to the Public Docket by number. Do not fail to indicate the Public Docket number on the exterior of the mailed envelope when making service. This will help the office of the Regional Representative to easily identify and promptly file all documents received by that office.

All documents on file will be available for public inspection during normal office hours from 9:00-4:30. Address all such documents for service to:

Mr. Bayard S. Forster, Regional Representative of the Secretary, Department of Transportation, 26 Federal Plaza, Room 2339, New York, New York 10007, Attention: Public Docket No. 76-9.

Dated: May 28, 1976.

JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.76-16329 Filed 6-4-76;8:45 am]

[Docket No. 76-9]

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Notice

Certain inquiries have been made to the Administrative Law Judge and the Public Counsel as to the necessity of filing Petitions for Leave to Intervene of those who desire to submit only Statements of Positions.

Those who do not intend to submit written testimony or exhibits or conduct

cross examination but desire only to make their positions known should not file Petitions for Leave to Intervene. These persons will be given an opportunity to submit Statements of Position and give such orally at the beginning of the public hearing in New York City on August 9, 1976. While these may be given orally at the beginning of the hearing, sufficient copies should be brought to the public hearing on August 9, 1976, so they may be distributed and received in the public docket. Statements of Positions will not be considered evidence and will not be subject to cross examination.

All are reminded that if evidence is to be introduced or cross examination conducted, then Petitions for Leave to Intervene must be submitted. In this connection, the date for the filing of Petitions for Leave to Intervene is extended from June 1 to June 15, 1976.

JOHN E. FAULK,
Administrative Law Judge.

MAY 28, 1976.

[FR Doc.76-16330 Filed 6-4-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

"OKLAHOMA INDIANS"

Congressional Seminar

The American Indian Policy Review Commission will hold the fourteenth in its series of Congressional Seminars on Friday, June 18, 1976 from 10:00 am until 12:30 noon in the Rayburn House Office Building, Room B-308.

This seminar will feature a panel discussion on the differences of Oklahoma Indians by members of Task Force #1 on the Federal-Indian Relationship, Task Force #2 on Tribal Government, Task Force #4 on Federal, State and Tribal Jurisdiction and Task Force #9 on Indian Law Revision and Codification. Pete Taylor, Chairman of Task Force #9 will serve as moderator.

The purpose of the seminar series is to alert Congressional members and their legislative aides to the major Indian issues of importance. Each seminar takes the form of a panel discussion conducted by Commission specialists on particular areas of Indian affairs and will be followed by a question and answer period.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

Persons desiring further information should call Grace Thorpe, Coordinator at 202-225-1284 or write to her at the American Indian Policy Review Commission, HOB #2, Second and D Streets, SW, Washington, D.C. 20515.

Dated: May 28, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-16328 Filed 6-4-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28583, Agreement CAB 5044-A187; Order 76-5-111]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreement

Correction

In FR Doc. 76-15974, appearing at page 22295, in the issue for Wednesday, June 2, 1976, the phrase "Issued under delegated authority May 21, 1976.", should appear as the first paragraph.

[Order 76-6-9; Docket 29349]

CF AIR FREIGHT, INC.

Increased C.O.D. Minimum Charge; Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of June, 1976.

By tariff revision[1] issued May 6 and and marked to become effective June 7, 1976, CF Air Freight, Inc. (CF), an air freight forwarder, proposes to increase its C.O.D. collection service minimum charge from $2.00 to $5.00 per shipment.

In support of its proposal, CF asserts, *inter alia*, that the proposed increase will meet, more nearly, the costs of providing the service, and that, if the charge had been in effect during the first quarter of 1976, revenues would have been increased by $1,675 to a level of $5,655 and losses on this traffic would have been avoided.

On the basis of first quarter 1976 operations, the forwarder estimates that the expenses for performing C.O.D. services, consisting of employees' time, labor and material for drafts issued, communication costs, and an allowance for bad debts, amounted to about $4,961 for 900 shipments or $5.51 per collection. CF does not indicate, however, how the foregoing estimates were reached, nor does it describe any surveys upon which they might be based.

Furthermore, CF's proposal would result in C.O.D. minimum charges significantly above those currently in effect for other freight forwarders, as well as direct carriers. Domestically the direct carriers, with one exception, have a minimum charge of $1.00 while air freight forwarders typically have minimums between $2.00 and $4.00.

Upon consideration of the foregoing and all other relevant factors, the Board finds that the increased minimum charge proposed by CF may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 40(C) on 5th Revised Page 6 of C.A.B. No. 1 issued by CF Air Freight, Inc., and rules, regulations, or practices affecting such charges and provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 40(C) on 5th Revised Page 6 of C.A.B. No. 1 issued by CF Air Freight, Inc., is suspended and its use deferred to and including September 4, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 29349, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon CF Air Freight, Inc., which is hereby made a party to Docket 29349.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16407 Filed 6-4-76;8:45 am]

[1] Revision to tariff C.A.B. No. 1, issued by CF Air Freight, Inc.

[Docket 27813, Agreement C.A.B. 25754; Order 76-6-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June, 1976.

By Order 76-4-175, April 30, 1976, the Board acted on an agreement among the carrier members of the International Air Transport Association (IATA) to establish North Atlantic passenger fares from May 1 through October 31, 1976. In that order the Board approved fares for service by Concorde supersonic aircraft. The Citizens League Against the Sonic Boom and Charles Gessner (League) have petitioned the Board for reconsideration of that decision.

In support of the petition, the League indicates that notwithstanding their participation in the proceeding and the Board's promises to forward its decision to them, they have yet to receive the ruling and order by which approval of the Concorde fares was presumably given.

Accordingly, they allege that they are under a substantial handicap in trying to frame a petition for reconsideration. Petitioner assumes that none of the points raised by it and by the Environmental Defense Fund concerning Concorde fares were heeded by the Board, and accordingly reiterates and incorporates by reference all of the points previously set forth in the Docket. On this basis, the League urges the Board to rescind its approval of Concorde fares and to impose a higher surcharge. Petitioner also excepts to the Board's failure to prepare an environmental impact statement.

The records of the Board's Docket Section show that petitioners' counsel appears on the service list for the instant docket, and that Order 76-4-175 was served upon all parties on the service list. The order was served in accordance with usual Board mailing procedures. We fail to understand why neither of the two mailings was received at the offices of the petitioners' attorneys. Further, in passing on the proposed Concorde fares, the Board considered the complaints and comments of all the various parties and adequately disposed of the issues raised. Nothing new has been submitted by the League; therefore, the petition for reconsideration will be denied.

Accordingly, *it is ordered*, That:

The petition of the Citizens League against the Sonic Boom and Charles Gessner, for reconsideration of Order 76-4-175 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-16406 Filed 6-4-76;8:45 am]

[Dockets 28683, 28684, 28685; Order 76-5-129]

NORTHWEST AIRLINES, INC.

Transpacific Cargo Rates; Order Denying Petition for Reconsideration

Correction

In FR Doc. 76-15855, appearing on page 22123, in the issue for Tuesday, June 1, 1976, the line "on the 26th day of May, 1976", should be inserted after the second line of the first paragraph.

[Docket 28970]

TRANS WORLD AIRLINES, INC.

Enforcement Proceedings; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in this proceeding, now scheduled to be held on June 3, 1976 (41 F.R. 21401, May 25, 1976), is hereby postponed to June 9, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., June 1, 1976.

RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-16405 Filed 6-4-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MASSACHUSETTS 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 Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. and end at 5:00 p.m. on June 30, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss follow-up steps to religious and lay leaders conference.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-16632 Filed 6-4-76;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 June 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 of the Commission, 26 Federal Plaza, Rm. 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., June 1, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-16631 Filed 6-4-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition Number CP 75-10]

BLOWGUNS

Notice of Denial of Petition

In this notice the Consumer Product Safety Commission announces its denial of a petition to place safety standards upon the sale and use of blowguns.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On December 6, 1974, U.S. Representative Edwin B. Forsythe of New Jersey petitioned the Commission to set firm controls on the sale and use of blowguns pursuant to Sections 7 and 10 of the Consumer Product Safety Act. Representative Forsythe's main concern is that darts propelled from a blowgun can cause penetration wounds which have the potential of being lethal. The petitioner's concern is based primarily on the advertising of the one known blowgun manufacturer which states that upon request it will provide information on how to make poison darts.

Representative Forsythe obtained the instructions. He indicates in his petition that two of the methods for making poison are very simple. He is further concerned that blowguns could be purchased by mail by children without their parents' knowledge. Finally, Representative Forsythe believes that certain statements contained in blowgun endorsement letters illustrate potential and actual hazardous uses of blowguns which could encourage foolish or sadistic use by juveniles. Copies of these letters are enclosed in the shipment orders by the manufacturer identified in the petition.

The Commission's study of the relevant injury data does not indicate a sufficient risk of serious injury to warrant regulation at this time. A review of the National Electronic Injury Surveillance System and the Commission's Accidental Injury Investigation Reports showed one case of injury associated with blowguns. A fifteen year old male inhaled a dart from a small toy blowgun. The dart lodged in the upper right lobe of the victim's lung and was removed in a hospital emergency room without recourse to surgery.

In addition to an injury by inhalation or ingestion, injury can occur when a second party is struck by a dart. In the latter case, the potential for injury would depend on the area of the body struck and the physical properties of the propelled dart. Engineering analysis indicates that a person struck by a dart could sustain a potentially serious injury.

A Commission field investigation in March 1975, located only one firm currently offering blowguns for sale. It was the same manufacturer identified by the petitioner. The Commission investigation report indicated that this firm is being phased out of business. Raw materials were last ordered in May, 1974, and advertising was discontinued at that time. Depletion of the current inventory of fewer than 800 blowguns will complete the phase-out of this business.

After reviewing the relevant data, the Commission finds that there is insufficient evidence to conclude that blowguns present a degree of risk warranting regulation by the Commission under any of the acts it administers. The Commission therefore denies this petition requesting regulation of the sale and use of blowguns. The sole manufacturer is no longer producing or advertising blowguns and his existing inventory is labeled to the effect that the product is not a toy and caution should be exercised.

However, the Commission believes that voluntary action on the part of the manufacturer as well as information and education efforts directed at consumers could reduce the likelihood of any further use and abuse of blowguns, especially by children.

Therefore, the Commission has solicited voluntary action by encouraging the known producer to take additional steps to avoid sales to juveniles, and to develop and provide consumers with safety instructions for the use of blowguns. The producer has also been requested to review his literature and testimonials to eliminate suggestions which might encourage unsafe practices. Finally, the producer has been encouraged to investigate the possibility of modifying the blowgun mouthpiece to prevent possible inhalation or ingestion of a dart.

In addition, the Commission's Voluntary Standards Division will contact appropriate industry organizations to alert them to our concerns. This should assure early Commission awareness of any plans by other manufacturers to produce blowguns.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumers Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the petition.

Dated: June 1, 1976.

SAYDE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-16300 Filed 6-4-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Availability

Environmental impact statements received by the Council on Environmental Quality from May 24 through May 28, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (July 19, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Bienville National Forest Timber Management Plan, several counties in Mississippi, May 24: Proposed is the implementation of a new 10-year Timber Management Plan for the Bienville National Forest, effective 1 October 1976. The Bienville National Forest contains 177,073 acres of National Forest land in Jasper, Newton, Scott, and Smith Counties, Mississippi. The plan proposes even-aged forest management for that part of the forest which is suitable for sustained yield timber production and not reserved for some other use. Environmental impacts will result from timber harvesting and other timber management activities, road construction and reconstruction, prescribed burning, and use of pesticides. (ELR Order No. 60770.)

Wenatchee National Forest Off-Road Vehicle Policy, Chelan, Kittitas, and Yakima Counties Wash., May 28: Proposed is the development of regulations governing the use of off-road vehicles (ORV) on the Wenatchee National Forest, Washington State. Five alternatives of off road vehicle management have been developed as a result of public meetings and an analysis of public response. The proposed alternatives will affect National Forest land by allowing off road use, in varying degrees, on Forest lands. At the present ORV use is allowed unless otherwise posted. (ELR Order No. 60795.)

Final

Basin Planning Unit, Deerlodge National Forest, Jefferson County, Mont., May 28: The multiple-use plan for the 57,100 acre Basin Planning Unit provides for 2200 acres of inventoried roadless area, 4800 acres in big game summer range, 5500 acres managed to maintain or improve watershed values, 4500 acres managed to prevent exposure of soil, and 40,700 acres managed in various combinations for timber, recreation, livestock, wildlife, mineral, and aesthetics. Unfavorable impacts include alteration of the landscape and disturbance of soil, water, and wildlife values. Comments made by: DOI, DOT, EPA, State agencies, and concerned individuals. (ELR Order No. 60797.)

Central Nevada Unit, Toiyabe National Forest, several counties in Nevada, May 25: This action involves the consideration of alternatives and the selection of a land use plan that would determine the broad management direction for National forest system lands in Central Nevada. Considerations in the plan include allocation of lands, coordination, and mitigation of such uses as domestic livestock grazing, wildlife habitat, protection of endangered and threatened wildlife species, wilderness use, off-road vehicle restrictions, recreation areas, and watershed protection. The basic resources of the land are protected, while providing useful products and services. Comments made by: EPA, DOI, HEW, AHP, DOT, USDA, interested groups, and individuals. (ELR Order Number 60780.)

Mount Butler Dry Creek Planning Unit, Siskiyou National Forest, Curry County, Oreg., May 24: The proposed action consists of a land use plan for management of a largely roadless, 22,100 acre Planning Unit on the Siskiyou National Forest. The plan recommends land allocations to sustain a high level of timber harvest, develop the Unit's recreation protential, and protect reources. The opportunity for future statutory wilderness designation for the roadless areas in the Unit will eventually be pre-empted by implementation of the plan, and suitable habitat for the northern spotted owl, a bird on the state threatened list, will be reduced by approximately 60%. Comments made by: EPA, DOI, HUD, COE, DOC, State and local agencies, interested groups, and individuals. (ELR Order No. 60777.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Missouri Basin Power Project, Platte Co., Platte County, Wyo, May 28: This action involves an application for loan guarantees to finance a portion of the Missouri Basin Power Project (Wheatland Generating Station, extensive transmission facilities, and Grayrock Reservoir). The plant and reservoir will be located in Platte County, Wyoming. Adverse effects include the release of some oxides of sulphur and nitrogen along with a small amount of particulate matter. There will also be flow changes in the Laramie River, which will affect the North Platte River. Comments made by: USDA, EPA, DOI, DOT, COE, FPC, AHP, State and local agencies. (ELR Order No. 60800.)

SOIL CONSERVATION SERVICE

Draft

Upper Choptank River Watershed, Delaware and Maryland, May 24: Proposed is the implementation of a watershed protection, flood prevention, and drainage project located in Queen Anne and Caroline Counties, Maryland, and Kent County, Delaware. The project will consist of land treatment measures of 45,636 acres and 280 miles of multiple-purpose channel work. Adverse effects include the reduction of wildlife habitat values by 10% and recreational hunting resources from good quality to average quality. (ELR Order No. 60764.)

Final

Cane Creek Improvement Area, Putnam County, Tenn., May 24: Proposed is a project measure for watershed protection, flood prevention, and public water-based recreation on Cane Creek, Putnam County, Tennessee. This measure is a unit of the Tennessee Hull-York Lakeland Project. Adverse impacts of project implementation include the loss of 35 acres of woodland, 16 acres of grassland, and 5 acres of idle land from current uses due to inundation. Two families will be forced to relocate. Comments made by: USA, HEW, EPA, TVA, USDA, USCG, and DOI. (ELR Order No. 60769.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Final

Waimanu Valley Estuarine Sanctuary Hawaii County, Hawaii, May 28: Proposed is the awarding of a grant to the State of

Hawaii to acquire, develop, and operate an estuarine sanctuary in Waimann Valley. A total of 347 acres of valley bottom land will be acquired to complete state ownership of the 3680 acre area. The acquisition and operation of the estuarine sanctuary would primarily serve to preserve the area and further research interests. Negative impacts are primarily economic including loss of water, mineral, and timber development rights. Comments made by: AHP, DOC, COE, GSA, EPA, and DOI. (ELR Order No. 60792.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Warm Springs Dam and Lake Sonoma Project (2), Sonoma County, Calif., May 24: This statement is a supplement to a final EIS filed with CEQ December 10, 1973. The action involved is the same as that described in the final statement except for the addition of a program for the mitigation and interpretation of cultural resources. The project will also include recreational facilities, a fish hatchery, and channel improvements on Dry Creek. A total of 16,966 acres of land will be acquired. Adverse effects include loss of productive land and loss of fish and wildlife habitat. (San Francisco District.) (ELR Order No. 60765.)

East Bend Station, Units 1 and 2 (Permit), Boone County, Ky., May 25: The proposed action is the issuance of a permit which would allow the construction and operation of a 1,200 megawatt coal-fired electric generation facility by the Cincinnati Gas and Electric Company. The project will involve approximately 938 acres of mostly agricultural private land. Wildlife habitat will be lost with resulting reduction in local wildlife populations. Nine families have already been relocated. Winnfield Cottage at Platt's Landing, an historical property will be subject to visual, audible, and atmospheric elements that are out of character for the site. An increase in barge traffic would also affect recreational boating. (Louisville District.) (ELR Order No. 60781).

Grays Harbor Widening and Deepening, Grays Harbor County, Wash., May 27: The proposed action consists of widening and deepening the existing authorized navigation channel at Grays Harbor, Washington. The action involves dredging and disposal of approximately 19.3 million cubic yards of initial dredged material. Adverse effects include the killing of organisms residing in the channel trough. Habitat and organisms contiguous to the channel and disposal sites are presumably affected by the immediate change in the local environment. (Seattle District.) (ELR Order No. 60790.)

Final

Rathbun Dam and Lake, Operation and Maintenance, several counties in Iowa, May 24: The statement concerns the continued operation and maintenance of Rathbun Lake, located in portions of Appanoose, Wayne, Lucas, and Monroe Counties, Iowa. The plan consists of water control regulation, operation and maintenance of recreation areas, and management of project land and water resources. Shoreline erosions, disruption of recreation use, and damage to project roads and recreation area result from the fluctuations related to flood control operations. (Kansas City District.) Comments made by: USDA, DOC, HEW, HUD, DOT, DOI, EPA, MRBC, AHP, State, and local agencies. (ELR Order No. 60776.)

Joe Creek Local Protection Project, Tulsa, Tulsa County, Okla., May 24: Proposed is the construction of a local flood protection project in Tulsa, Oklahoma, consisting of about 11,500 feet of channel widening and straightening, and replacement or modification of bridges. Joe Creek and the associated flora and fauna in the area will be changed by construction. The project will require 52 acres of permanent easement and additional 25 acres of temporary easement during construction. One family will be displaced. (Tulsa District.) Comments made by: DOI, HUD, EPA, DOT, HEW, USDA, AHP, State agencies, and interested groups. (ELR Order No. 60771.)

Supplement

Days Creek Lake Project, Umpqua River Basin (Supplement), Douglas County, Oreg., May 25: The proposal is for the construction of a dam on South Umpqua River near the town of Days Creek. The resulting reservoir would have 480,000 acre-feet of storage for multiple uses. This supplement includes consideration of power generating facilities which were not included in the 6 October 1972 final EIS. Adverse impacts of the project include the flooding of 4,340 acres and 30 miles of free-flowing stream One hundred thirty families and the Milo Academy Boarding High School would be displaced. The socio-economic character of the area would change. (Portland District.) (ELR Order No. 60782.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington D.C. 20460, 202-755-0780 (stop 460).

Final

Central Kitsap Co. Wastewater Facilities, Kitsap County, Wash., May 28: The statement concerns the awarding of grant funds to Kitsap County for the construction of interceptor sewer lines, wastewater treatment facility, and wastewater disposal facility to service drainage sub-basin 9 and 10 and the Trident Support Site. Construction of a wastewater treatment facility would have significant adverse aesthetic impacts for half of the alternatives, due to high visibility on a desirable shoreline or the residential character of the neighborhood. Significant increases in property taxes will result from the construction and operation of the system (60798).

FEDERAL POWER COMMISSION

Contract: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

Draft

Pacific-Indonesia Project, LNG Terminal (Oxnard), California, May 27: Proposed is the granting of authorization to the Pacific Indonesia LNG Company to import liquified natural gas (LNG) from the Republic of Indonesia to a terminal to be constructed at Oxnard, California, and certification to sell the imported natural gas to Southern California Gas Company in revaporized form. Western LNG Terminal Company has concurrently filed an application seeking certification to construct certain facilities necessary to unload, store, revaporize, and transport the LNG. Environmental impact would occur with respect to effects on land use, vegetation, soils, wildlife, and water and air quality. (ELR Order No. 60789.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Woodmere Subdivision, Marrero, Jefferson County, La., May 26: The statement concerns the mortgage insurance application for the Woodmere Subdivision located near the City of Marrero on the west side of the Mississippi River. The primary adverse environmental impact would be the destruction of the existing character of 856 acres of woodlands, swamps, and marshes and the elimination of the existing vegetative cover with its associated wildlife populations. Other impacts include increased energy use, increased solids and liquid waste collection and disposal loads, reduced air quality, and inducement of growth in surrounding areas with its accompanying adverse effects. (ELR Order No. 60786.)

Final

Proposed Lead Based Paint Regulations, May 24: The proposed regulations require the inspection for and elimination of immediate lead based paint hazards in all residential structures which are HUD-owned or financially assisted when such structures are being constructed, sold, purchased, leased, rehabilitated (including routine maintenance), modernized or improved. The regulations also require that purchasers and tenants of all such housing constructed prior to 1950 receive notification that such housing may contain lead based paint as well as information regarding its potential hazard, symptoms of lead poisoning and precautions to be taken. Comments made by: DOC, HEW, HUD, and USDA. (ELR Order No. 60772.)

Hunters Point Redevelopment (Phases II and III), San Francisco, County, Calif., May 24: Proposed is the construction of approximately 600 units of multifamily housing units to be added with Section 8 Housing Assistance Payments in Phase II and some 600 units of multifamily market-rate housing units in Phase III of an on-going urban renewal area, San Francisco, California. No adverse environmental effects are anticipated aside from those normally associated with construction such as noise and dust. Comments made by: AHP, HEW, VA, COE, DOT, and FPC. (ELR Order No. 60778.)

Section 104(h)

Draft

Alsen-St. Irma Lee Area Sewage Facilities, East Baton Rouge County, La., May 28: The purpose of the proposed project is to provide the Alsen-St. Irma Lee Area with a suitable method of collection and disposal of domestic waste. The proposed treatment facility will be of the Extended Aeration form of treatment. Initial construction is intended to provide treatment through the design year 1986, accommodating a projected population of 3500. No adverse long-term effects are anticipated (ELR Order No. 60794.)

Final

Stewartville Community Public Water System, Coosa and Talladega Counties, Ala., May 26: The proposed project involves the construction of a public water system in Stewartville, a rural community in central Alabama which presently has no public water system. The water lines would be installed along state and county highway rights-of-way. Installation of the water system would have no reasonably forseeable, long-range adverse environmental effects. Comments made by: EPA, HEW, USDA, and State agencies. (ELR Order No. 60785.)

Thomasville Water Works Improvements, Clarke County, Ala., May 27: The proposed project consists of developing a municipal water supply for the City of Thomasville, Alabama. In general, the project consists of a 12 inch water main connecting the Thomasville system to the Pine Hill system. The water main will be laid along Alabama Highway 5 in the general area from Thomasville to

Sunny South. The project will be constructed in two phases, each complete but complimentary to the other step in the planned construction process. Adverse impacts anticipated are an increase in water costs for Thomasville, and the short term unavoidable impact of construction. Comments made by: DOI, EPA, and State agencies. (ELR Order No. 60791.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

OCS Sale No. 40, Mid-Atlantic States, New Jersey and Delaware, May 26: The statement concerns the leasing of 154 tracts (876,750 acres) of Outer Continental Shelf lands. The tracts are located offshore New Jersey and Delaware 54 to 108.5 miles from shore. All tracts offered pose some degree of pollution risk to the environment due to accidental or chronic oil spillage. Socioeconomic effects from onshore development may cause local problems. Comments made by: DOC, USCG, COE, ERDA, NRC, FEA, EPA, NASA, DOI, and State agencies. (ELR Order No. 60788.)

BUREAU OF RECLAMATION

Draft

Orme Dam and Reservoir, Central Arizona Project, Arizona and New Mexico, May 24: This statement describes the environmental impacts associated with constructing a dam and reservior to provide regulatory storage for the Central Arizona Project aqueduct operations and flood control for downstream areas along the Salt and Gila Rivers. Major facilities include the dam, its appurtenant outlet works, spillway, reservior, powerplant, transmission lines, road relocations, and a reversible-flow canal with an in-line pump generation plant, which connects the reservoir to the aqueduct system. Adverse effects include the acquisition of 25,655 acres and the relocation of about 279 residents of the Fort McDowell Indian Community. (ELR Order No. 60774.)

Final

Sugar Pine Dam, Reservoir and Conduit, Placer County, Calif., May 26: Proposed is the construction of Sugar Pine Dam Reservoir, and conduit for the purpose of providing a water supply to the area served by the Foresthill Public Utility District. Water will be conveyed by an 8-mile pipeline from the 160-acre lake to a 40-acre-foot regulating reservoir. Construction of the 173-foot dam will convert 2 miles of trout stream to a 7,000 acre-foot lake. The reservoir will flood the wildlife habitat of 24 resident deer and numbers of smaller animals. Comments made by: DOI, AHP, COE, HEW, USDA, EPA, State agencies, and concerned individuals. (ELR Order No. 60787.)

NATIONAL PARK SERVICE

Final

Mammoth Cave National Park, Master Plan, Kentucky, May 24: The statement refers to a proposed master plan for the Mammoth Cave National Park. Among the aspects of the plan are: the construction of a new staging area for visitor parking, the development of an orientation facility, the bridging of the Green River, the construction of a cross-park road in order to make the scenic hilly country more accessible, and the restoration of a natural flow of water to the cave system on Flint Ridge. Overnight accommodations at the park would be phased out. Comments made by: DOI, USDA, COE, EPA, AHP, and one State agency. (ELR Order No. 60775.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Elizabethtown-Hardin County Airport, Hardin County, Ky., May 28: The statement refers to the proposed construction of a new general aviation airport serving the Elizabethtown-Hardin County area. The project consists of acquisition of 620 acres of land, construction of a runway, installation of lighting, and construction of a taxiway, apron and airport entrance road. Adverse impacts include the loss of 620 acres, the destruction of 5 ponds, increased air and noise pollution, and the displacement of an unspecified number of families. Comments made by: EPA, DOI, USDA, and State agencies. (ELR Order No. 60799.)

Gaines County Airport, Texas, Gaines County, Tex., May 24: Proposed is the acquisition of 400 acres of land for the construction of an airport 2 miles south of the city limits of Seminole. The plan includes construction of two runways, connecting taxiways, and apron, and lighting. Increased air pollution will result. Comments made by: EPA, HEW, DOT, DOI, DOC, COE, and State agencies. (ELR Order No. 60779.)

FEDERAL HIGHWAY ADMIINISTRATION

Draft

Inter-City Route, Odessa to Midland, Ector and Midland Counties, Tex., May 24: The proposed action will provide for a 4-lane freeway-type inter-city route between Odessa and Midland. The project will extend from near the junction of Parkway Boulevard and Spur 492 in Odessa, northeasterly approximately 14 miles to SH 158 and FM 1369 in Midland. Adverse impacts of the project include the displacement of one family and six businesses, the conversion of pastureland to paved roadways, and increased pollution and noise along the right-of-way. (Region 6.) (ELR Order No. 60766.)

Midland North Arterial Loop, Midland County, Tex., May 24: The proposed action will provide for a 4-lane, divided north arterial loop around the City of Midland's urbanized area. The project will extend from the junction of FM 1369 and I-20 west of Midland, north, east and south approximately 17 miles to I-20 east of Midland. Adverse impacts include displacement of families and businesses, increased air and noise pollution, and conversion of pastureland to highway use. (Region 6.) (ELR Order No. 60767.)

U.S. 287 and U.S. 84, Anderson Co., Anderson County, Tex., May 24: Proposed are improvements on two numbered highway routes within the City of Palestine, Texas. The U.S. 287 portion begins at the intersection of present U.S. 287 with U.S. 79, then proceeds 0.38 mile in a southeasterly direction on proposed new location to intersect with U.S. 84, (Oak St.), approximately midway between Cottage and Debard Streets. The U.S. 84 portion of the route begins at this point and proceeds in an easterly direction to the end of the project at Branberry Street, a distance of 0.68 mile. The relocation of some families and businesses will be required. (Region 6.) (ELR Order No. 60773.)

SR 14, Kennewick Vicinity, Benton County, Wash., May 26: The project consists of the construction of an additional two lanes of SR 14 for a 4.8 mile length in Kennewick, Washington. Adverse impacts resulting from the construction will include the use of 2 acres of land for additional rights-of-way, the loss of 15 acres of wildlife habitat, increased traffic in the area, and increase in noise and air pollution during construction. (Region 10.) (ELR Order No. 60784.)

Final

St. Joe River Road (Forest Route 50), Benewah and Shoshone Counties, Idaho, May 24: The proposed improvement entails the reconstruction, on essentially the existing alignment, of Idaho Forest Highway Route 50 between Calder and Avery, Idaho, a distance of approximately 23 miles. Approximately 400 acres of land will be required for right-of-way, and of this acreage, 70 acres will be permanently committed to be used for highway pavement. Comments made by: DOI, USDA, HUD, EPA, COE, State, and local agencies. (ELR Order No. 60768.)

Sterling Avenue, FAU Route 8399, Peoria County, Ill., May 28: Proposed is the improvement of 1.8 miles of Sterling Avenue (FAU Route 8399) in the City of Peoria. A four-lane facility with an 18-foot grass median will be constructed to replace the existing two-lane roadway. The noise level will increase in the project area. Comments made by: COE, HUD, DOI, DOT, EPA, State, and local agencies. (ELR Order No. 60796.)

Appalachian Corridor D, Albany thru Athens, Athens County, Ohio, May 25: Proposed is the construction of three segments of highways within "Corridor D" of the Appalachian Development Highway System. The work consists of constructing 5.9 miles of 4-lane, limited access US 50, 2.1 miles of 4-lane freeway US 33 including 2½ interchanges, and 0.55 mile of 4-lane freeway SR 682. The improvements will result in increased air pollution in several areas adjacent to the roadways and the acquisition of 106 residential properties and 14 businesses. A 4(f) statement is included in relation to a softball field and 7.6 acres of Margaret Creek Conservancy District. Comments made by: DOI, EPA, HUD, USDA, State, and local agencies. (ELR Order No. 60783.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

South Quincy Area Transit Station, Massachusetts, May 28: Proposed is the construction of the South Quincy area rapid transit station that would improve accessibility to South Shore residents into the city of Boston. Plans for the station include provisions for feeder bus and local bus access, "kiss and ride" dropoff, and pedestrian access. The project would require the use of 3.6 acres of wetlands out of a total 20.6 acres. The parking garage will cause a visual impact from the residential area. Comments made by: DOT, HUD, DOI, EPA, USDA, TREA, and State agencies. (ELR Order No. 60793).

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-16290 Filed 6-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 555-3]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Additional Delegation of Authority to State of Washington

On February 28, 1975, the Regional Administrator of EPA, Region X, delegated to the State of Washington the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for

asbestos, beryllium and mercury as the standards for these three pollutants were promulgated by EPA prior to June 1, 1974. A notice announcing the delegation was published on April 1, 1975 (40 FR 14632).

In addition, notices announcing EPA concurrence of the State's subdelegation of the NESHAPS' program to six local agencies were published on December 18, 1975 (40 FR 58616) and January 29, 1976 (41 FR 4264).

On February 26, 1976 the Director of the State of Washington Department of Ecology requested that EPA extend the delegation to include amendments to the standards for asbestos and mercury promulgated on October 14, 1975. The State indicated that it would, in turn, sub-delegate authority to enforce the amendments to those local agencies who had previously been delegated the NESHAPS program by the State.

On March 23, the Regional Administrator delegated to the State the NESHAPS program as it was promulgated by EPA as of March 1, 1976.

The letter of delegation follows:

MR. JOHN A. BIGGS, *Director, State of Washington, Olympia, Washington 98504. Department of Ecology.*

DEAR MR. BIGGS: On February 26, 1976, you requested that EPA extend the delegation of authority to enforce the program for National Emission Standards for Hazardous Air Pollutants (NESHAPS) granted to the State of Washington on February 28, 1975. We have reviewed your request and hereby delegate to you the authority to enforce the program of emission standards for asbestos, beryllium, beryllium rocket motor firing and mercury as the standards were promulgated by EPA as of March 1, 1976. This delegation is subject to the conditions outlined in our letter of delegation dated February 28, 1975.

We also concur at this time with DOE's sub-delegation of the authority to enforce the recent amendments to the NESHAPS program to the local agencies listed in our letters of concurrence dated October 15 and December 5, 1975.

We would appreciate receiving a copy of the final regulation, WAC 18-04-075, to be adopted at the April 6, 1976 public hearing. However, unless substantive changes are made to the regulation at the hearing, no further request for delegation is necessary.

Sincerely yours,

CLIFFORD V. SMITH, Jr., PH.D., P.E.
Regional Administrator.

Section 112 of the Clean Air Act, as amended. (42 U.S.C. 1857c-7).

Dated: May 27, 1976.

L. EDWIN COATE,
Acting Regional Administrator.

[FR Doc.76-16296 Filed 6-4-76;8:45 am]

[FRL 555-1]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a public meeting to be held by the Effluent Standards and Water Quality Information Advisory Committee established pursuant to Sec. 515 of the Federal Water Pollution Control Act, as amended ("the Act"), 33 U.S.C. 1375, PL 92-500.

The meeting will be conducted in the Washington, D.C. area on Tuesday, June 29, 1976. The meeting will begin at 9:30 a.m. and close at 4:30 p.m. in Room 1112, Crystal Mall, Building #2, 1921 Jefferson Davis Highway, Arlington, Va.

The meeting agenda will include the following: Current Developments under PL 92-500; Review of ES&WQIAC Activities; Discussion of ES&WQIAC Reports; and Consideration of Recommendations to the Administrator on Future Committee Functions and Role.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Since space is limited, call or write to Dr. Martha Sager, Chairman, or Mr. Martin Brossman, Executive Director, ES&WQIAC, EPA, Crystal Mall Bldg. #2, Washington, D.C. 20460, Telephone: Area Code (703) 557-7390.

Dated: May 28, 1976.

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.76-16299 Filed 6-4-76;8:45 am]

[PP6G1781/T65; FRL 555-6]

CARBARYL

Establishment of a Temporary Tolerance

College of Agriculture, University of Idaho, Moscow ID 83843, has submitted a pesticide petition (PP 6G1781) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide carbaryl, including its hydrolysis product 1-naphtol (calculated as carbaryl) in or on the raw agricultural commodity lentils at 10 parts per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quality authorized by the experimental use permit.

2. College of Agriculture, University of Idaho, must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1977. Residues not in excess of 10 ppm remaining in or on lentils after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: June 1, 1976.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16298 Filed 6-4-76;8:45 am]

[PP6G1779/T64; FRL 555-5]

PARATHION

Establishment of a Temporary Tolerance

College of Agriculture, University of Idaho, Moscow ID 83843, has submitted a pesticide petition (PP 6G1779) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide parathion in or on the raw agricultural commodity lentils at 1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. College of Agriculture, University of Idaho, must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1977. Residues not in excess of 1 ppm remaining in or on lentils after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be

revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: June 1, 1976.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-16297 Filed 6-4-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

CLARITY IN FEDERAL REGULATIONS

Legal Drafting Workshop

The Office of the Federal Register will conduct a five-day legal drafting workshop beginning at 10:00 a.m. on Monday, June 21, 1976 and ending on Friday afternoon, June 25, 1976.

The workshop will be held in the Federal Register Conference Room, Room 9409, 9th Floor, 1100 L Street, NW, Washington, DC.

This workshop will be open only to Federal agency personnel who are engaged in drafting documents for publication in the FEDERAL REGISTER.

The workshop will cover the following areas:

1. History of the FEDERAL REGISTER.
2. Relationship of the FEDERAL REGISTER and the Code of Federal Regulations.
3. Introduction to legal drafting.
4. Determining the audience for a regulation.
5. Architecture of legal drafting.
6. Steps in drafting.
7. Substantive clarity.
8. Readability.

Attendees will undertake practical drafting exercises in preambles, proposed rules, and final rules.

The Office of the Federal Register does not interpret specific agency regulations and the workshop will not provide a forum for the discussion of substantive questions regarding specific agency regulations. Rather, the workshop is designed as an introduction to legal drafting problems common to most Federal agencies. Ample time will be provided for writing assignments.

Space is extremely limited and reservations are required. Reservations may be made by calling Bill Short on 202-523-5282.

FRED J. EMERY,
Director,
Office of the Federal Register.

JUNE 3, 1976.

[FR Doc.76-16491 Filed 6-4-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Amendment to Notice of Investigation

A complaint was filed with the United States International Trade Commission on January 15, 1976, on behalf of GTE Sylvania Incorporated and Philco Consumer Electronics Corporation alleging unfair methods of competition and unfair acts in the importation of certain color television receiving sets into the United States, and in their sale, by reason of (1) the existence of predatory pricing schemes resulting in below-cost and unreasonably low-cost pricing of such television sets in the United States, and (2) economic benefits and incentives from the Government of Japan contributing to the below-cost and unreasonably low-cost pricing in the United States. A Notice of Investigation was published in the FEDERAL REGISTER on April 1, 1976 (41 FR 14014). A Motion to Amend Complaint was filed on behalf of the complainants on April 12, 1976, seeking to clarify the allegations above and to make other modifications. Complainants move to clarify their allegations by alleging an unlawful contract, combination, or conspiracy in restraint of trade or commerce in the color television industry in the United States and a combination or conspiracy or attempt to monopolize such trade and commerce, or parts thereof. The Commission received a Recommended Ruling to Conditionally Grant Complainants' Motion to Amend Complaint from the presiding officer in this investigation on May 21, 1976.

Having considered the motion, the United States International Trade Commission on June 1, 1976, *ordered:*

That the complainants' motion be granted, and that investigation No. 337-TA-23 be amended to determine whether, on the basis of the foregoing clarified allegations, there is any violation of section 337 in the importation of color television receiving sets into the United States, or in their sale.

The Commission Memorandum Opinion 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. 20436, and in the New York City Office of the Commission, located at 6 World Trade Center.

Issued: June 2, 1976.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.76-16452 Filed 6-4-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on June 25, 1976 from 9:30 a.m.-12:30 p.m. in Room 1127 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on June 25 from 9:30 a.m.-11:30 a.m. on a space available basis. Accommodations are limited.

Interested persons may submit written statements with the committee. During the open session the graphics of the Federal Maritime Commission will be evaluated.

The remaining sessions of this meeting on June 25 from 11:30 a.m.-12:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer,
National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-16326 Filed 6-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

JUNE 1, 1976.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region Three, on June 24-25, 1976, from 10:00 a.m., to 4:00 p.m., in Room 202 of the General Services Administration Winder Building, 604 17th Street, NW., Washington, D.C. The meeting will be devoted to the review by the Panel of design concepts for the Washington Technical Institute, Phase II Development, Washington, D.C. Frank and open discussion of the design presented by the Architect-Engineer is essential to the performance of a comprehensive evaluation and critique. 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.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc.76-16392 Filed 6-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-659]

ALABAMA POWER CO.

Order Accepting for Filing and Suspending Proposed Revised Rate Schedules and Amendments to Interconnection Agreement, Granting Interventions, and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Alabama Power Company (Alabama) tendered for filing proposed increased rates for wholesale service to 26 municipal and electric cooperative customers served under its FPC Electric Tariff, Original Volume No. 1,[1] and to the Utilities Board of the City of Foley, and changes in its Interconnection Agreement with Alabama Electric Cooperative, Inc., FPC Rate Schedule No. 133. The filing included proposed revised fuel adjustment clauses pursuant to Order No. 517. The proposed changes would increase jurisdictional revenues by $14,473,052 (65.5%) for the 12 months immediately following the proposed effective date of May 31, 1976.

The Commission will suspend the proposed rates for four months and set the matter for hearing.

Alabama states that the proposed increased rates are needed to afford the Company an opportunity to earn a fair and reasonable rate of return on its jurisdictional property and to attract the capital required to support the necessary expansion of its electric plant. Alabama states that: (1) the Company is now barred from selling any additional preferred stock or first mortgage bonds because the coverage ratios are inadequate; (2) in the last year the Company has had to postpone the construction of certain electric facilities due to inadequate earnings; (3) from latter 1974 to mid 1975, the Company was unable to sell senior securities and incurred substantial amounts of short-term borrowings in order to carry its construction effort. The Company must again obtain the ability to sell senior securities if it is to meet commitments under a revolving credit arrangement which terminates in 1978.

Notice of Alabama's filing was issued May 13, 1976, with protests and petitions to intervene due on or before May 27, 1976.

On May 19, 1976, a petition to intervene was filed by 12 municipalities and municipal utilities boards[2] and by Municipal Electric Utility Association of the State of Alabama (collectively, Municipalities concurrently filed a protest and motion to reject Alabama's tariff revisions, or, alternatively, request for a five month suspension and a hearing in the instant docket.

On May 20, 1976, eight distribution cooperatives[3] and Alabama Electric Cooperative, Inc. (AEC), collectively referred to as Cooperatives, filed a petition to intervene, protest, and motion to reject, or, alternatively, motion for a five month suspension period and hearing on Alabama's filing. Alabama on May 24, 1976, responded to the allegations of Municipalities and Cooperatives.

The Commission's review of Alabama's revised fuel adjustment charge indicates that it is in compliance with Section 35.14 of the Commission's Rules and Regulations, as amended by Order No. 517. However, the Commission's review of the rest of Alabama's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept Alabama's proposal for filing and suspend its operation for four months, to become effective October 1, 1976, subject to refund, and shall institute an investigation into the lawfulness of the proposed rate schedules pursuant to the Commission's authority under Section 205 of the Federal Power Act.

The decision to suspend the proposed rates for four months is based on the Commission's review of the Company's filing and the testimony and exhibits tendered in support thereof, on the arguments presented by Municipalities and Cooperatives in their petitions to intervene, and on the counter-arguments advanced by Alabama in response to the intervenors' petitions. Based on such a review, the Commission has exercised its independent judgment in light of its expertise in this area and has concluded that a four month suspension is sufficient to protect the public interest and the interest of any customers in this proceeding. The Commission will therefore deny Municipals' and Cooperatives' request for a five month suspension.

Having reviewed the petitions of Municipals and Cooperatives, the Commission concludes that they have an interest in this proceeding which is sufficient to warrant intervention herein.

Intervenors' petitions raise a number of issues, including alleged violation of the Sierra-Mobile doctrine,[4] which, due to their complexity, will be dealt with in a subsequent Commission order.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission institute a Section 205 investigation and hearing concerning the lawfulness of the proposed rate increase tendered by Alabama in Docket No. ER76-659 and that such rate schedule be accepted for filing and suspended as hereinafter provided.

(2) It is desirable and in the public interest to permit Municipalities and Cooperatives to intervene in the above referenced proceeding, provided that such interventions are conditioned as hereinafter ordered.

The Commission orders. (A) Alabama's filing tendered on April 30, 1976, is hereby accepted for filing and suspended for four months, until October 1, 1976, when it will be permitted to become effective, subject to refund.

(B) Municipalities and Cooperatives are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the subject increased rates.

(D) Alabama shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 26, 1976 (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

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[1] See Appendix A for designations.

[2] City of Alexander, City of Dothan, City of Fairhope, The Utilities Board of the City of Foley, City of LaFayette, City of Lanett, City of Luverne, City of Opelika, City of Piedmont, The Utilities Board of the City of Sylacauga, City of Troy, Utilities Board of the City of Tuskegee.

[3] Baldwin County Electric Membership Corporation, Clarke-Washington Electric Membership Corporation, Coosa Valley Electric Cooperative, Inc., Dixie Electric Cooperative, Inc., Pea River Electric Cooperative, Inc., Pioneer Elecrtic Cooperative, Inc., Tallapoosa River Electric Cooperative, Inc., and Wiregrass Electric Cooperative, Inc.

[4] *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service*, 350 U.S. 332 (1956).

APPENDIX A

ALABAMA POWER COMPANY

Designations	Descriptions
2d revised sheet No. 2 to FPC electric tariff, original vol. No. 1 (supersedes 1st revised sheet No. 2).	Table of contents
Original sheet No. 2A	
2d revised sheet No. 4 (supersedes 1st revised sheet No. 4).	Map.
3d revised sheet No. 5 (supersedes 2d revised sheet No. 5).	Revision No. 2, rate schedule REA-1.
2d revised sheet No. 5A (supersedes 1st revised sheet No. 5A).	Continuation of the above.
4th revised sheet No. 7 (supersedes 3d revised sheet No. 7).	Rate schedule REA-1, fuel adjustment clause.
Original sheet No. 7A	
3d revised sheet No. 8 (supersedes 2d revised sheet No. 8).	Revision No. 2, rate schedule MUN-1.
2d revised sheet No. 8A (supersedes 1st revised sheet No. 8A).	
2nd revised sheet No. 9A (supersedes 1st revised sheet No. 9A).	
4th revised sheet No. 10 (supersedes 3d revised sheet No. 10).	Rate schedule MUN-1, fuel adjustment clause.
Original sheet No. 10A	
2d revised sheet No. 12 (supersedes 1st revised sheet No. 12).	Billing and payment.
1st revised sheet No. 12A (supersedes original sheet No. 12A).	
2d revised sheet No. 17 (supersedes 1st revised sheet No. 17).	Miscellaneous.
2d revised sheet No. 19 (supersedes 1st revised sheet No. 19).	Billing and payment.
1st revised sheet No. 19A (supersedes original sheet No. 19A).	
2d revised sheet No. 23 (supersedes 1st revised sheet No. 23).	
2d revised sheet Nos. 32-33 (supersedes 1st revised sheet No. 32).	Index of Purchasers.
10th revised sheet No. 34 (supersedes 9th revised sheet No. 34).	Continuation.
11th revised sheet No. 35 (supersedes 10th revised sheet No. 35).	Do.
5th revised sheet No. 36 (supersedes 4th revised sheet No. 36).	Do.
10th revised sheet No. 37 (supersedes 9th revised sheet No. 37).	Do.
10th revised sheet No. 38 (supersedes 9th revised sheet Nos. 38-38A).	Do.
7th revised sheet No. 39 (supersedes 6th revised sheet No. 39).	Do.
Supplement No. 3 to rate schedule FPC No. 120 (supersedes supp. No. 2).	Revision No. 2, rate schedule MUN-1.
Rate schedule FPC No. 138 (supersedes rate schedule FPC No. 133, as supplemented).	
Exhibits A, B, C, and D to rate schedule FPC No. 138.	Definitions, estimated maximum, integrated peak-hour demand, explanation of simultaneous capability and map.
Supplement No. 1 to rate schedule FPC No. 138.	Amendment No. 1, dated Feb. 27, 1974.

[FR Doc.76-16336 Filed 6-4-76;8:45 am]

[Docket No. ER76-683]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

MAY 27, 1976.

Take notice that Alabama Power Company on May 17, 1976, tendered for filing a service agreement with the City of Robertsdale, Alabama, designated as an initial rate schedule. The filing is for the proposed City of Robertsdale delivery point to be served under the Company's FPC Electric Tariff, Original Volume No. 1. The Company states that the new delivery point will be served under such tariff and the appropriate revisions to Rate Schedule MUN-1 as incorporated therein and allowed to become effective by orders of this Commission.

Copies of the filing were served upon the City of Robertsdale and its attorneys of record in FPC Docket No. E-8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16358 Filed 6-4-76;8:45 am]

[Docket Nos. CS76-689, et al.]

AMOCO PRODUCTION CO., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MAY 26, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Dated filed	Applicant
CS76-689 [1]	Apr. 1, 1976	Amoco Production Co., P.O. Box 520, OCS, Lafayette, La. 70501.
CS76-813	May 11, 1976	Thermal Exploration, Inc., P.O. Box 1869, Seattle, Wash. 98111.
CS76-814	do	Development Associates, Inc., P.O. Box 3727, Spokane, Wash. 99220.
CS76-815	May 12, 1976	Leith Johnston, 753 Valley Rd., Glencoe, Ill. 60022.
CS76-816	do	Charles A. Haskell, 3003 East 3d Ave., Denver, Colo. 80206.
CS76-817	May 13, 1976	Jonathan Butcher, 1500 Walnut St., Philadelphia, Pa. 19102.
CS76-818	do	South Jersey Exploration Co., No. 1 South Jersey Plaza, Route 54, Folsom, N.J. 08037.
CS76-819	do	Zuble Dunn Clegg, 239 Gessner, Houston, Tex. 77024.
CS76-820	May 14, 1976	Blackwood & Nichols Co., Ltd., 2013 1st National Center, Oklahoma City, Okla. 73102.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-821	do	Texon Energy Corp., 1212 Main St., Houston, Tex.
CS76-822	May 17, 1976	Robert E. Power, M.D., 3838 California St., No. 510, San Francisco, Calif. 94118.
CS76-823	May 13, 1976	A. L. Solliday, 616 Amoco Bldg. North, Tulsa, Okla. 74103.
CS76-824	May 17, 1976	Gas Service Energy Corp., 2460 Pershing Rd., Kansas City, Mo. 64108.
CS76-825	do	Lester A. Jones, Box 1239, Pampa, Tex. 79065.
CS76-826	do	808 Oil Center Bldg., 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
CS76-827	Jan. 2, 1976	William M. Fuller, 2408 Continental Life Bldg., Fort Worth, Tex. 76102.
CS76-828	May 19, 1976	Mr. and Mrs. Clyde Criswell, 10 Sabre Cay, Naples, Fla. 33940.
CS76-829	do	Alfred J. Lipps, agent, Route 5, Box 222, Burnsville, W. Va. 26335.

[1] Renoticed since applicant's name was inadvertly omitted from the notice issued Apr. 28, 1976.

[FR Doc.76-16197 Filed 6-4-76;8:45 am]

[Docket No. ER76-530]

ARIZONA PUBLIC SERVICE CO.

Electric Rates; Order Granting Rehearing for Purposes of Receiving Responses and Further Consideration

MAY 26, 1976.

On April 26, 1976, Electrical District No. One (ED1) Pinal County, Arizona and Electrical District No. 7 (ED7) Maricopa County, Arizona filed a petition to intervene, motion for clarification and modification, or application for rehearing of the Commission's order issued March 31, 1976 in the above-referenced docket. On April 30, 1976 Arizona Public Service Company (APS) and the Arizona Electric Power Cooperative, Inc. (AEPCO) and the Papago Tribal Utility Authority (PTUA) filed applications for rehearing of the same order. Because of the numerous complex issues raised by the pleadings, the Commission shall grant rehearing of the March 31, 1976, order for purposes of receiving responses to the various applications, as provided by Section 1.34(d) of the Commision's Rules of Practice and Procedure, and for purposes of further consideration.

The Commission finds: Good cause exists to grant rehearing of the Commission's March 31, 1976, order as hereinafter ordered and conditioned.

The Commission orders: (A) Rehearing of the March 31, 1976, order is hereby granted for purposes of receiving responses to the various applications for rehearing filed with respect to that order and for purposes of further consideration.

(B) All responses to the applications for rehearing of the March 31, 1976, order in this proceeding shall be filed on or before June 22, 1976.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16346 Filed 6-4-76;8:45 am]

[Docket No. E-8855]

BOSTON EDISON CO.

Postponement of Procedural Dates

MAY 27, 1976.

On May 19, 1976, the Massachusetts towns of Concord, Norwood and Wellesley, filed an appeal from certain rulings of the Presiding Administrative Law Judge. The appeal also requests that further hearings and procedural matters be stayed pending disposition of the appeal.

Upon consideration, notice is hereby given that further hearings and procedural matters in this proceeding are postponed pending disposition of the appeal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16341 Filed 6-4-76;8:45 am]

[Docket Nos. ER76-229, ER76-633, ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Order Accepting Initial Rate Filings, Accepting and Suspending Proposed Rate Increases, Rejecting Rate Increases, Granting Intervention, and Establishing Procedures

MAY 28, 1976.

The Commission herein will establish one consolidated proceeding concerning a series of initial and superseding rate schedules and service agreements tendered in these three dockets by Central Louisiana Electric Company (CLECO).[1] In Docket No. ER76-633, CLECO has submitted a general wholesale rate schedule, WR-1, to supersede the present schedule for service to several customers upon expiration of existing service agreements. The requested effective dates are June 1, 1976, for service to the Town of Boyce, Louisiana (Boyce) and Gulf States Utilities Company (Gulf States); December 31, 1976 for the Town of Elizabeth, Louisiana (Elizabeth); and 1980 and 1981 for service to Cajun Electric Cooperative (Cajun) and to Southeast Louisiana Electric Membership Corporation (SLEMCO) with the exception of service to SLEMCO at Melville, Louisiana. Subject to certain conditions, this WR-1 Rate Schedule will be accepted for filing, suspended for two months, and permitted to become effective on August 1, 1976 for service to Boyce and Gulf States, and on December 31, 1976 for Elizabeth. This filing will be rejected as premature where it would be applied to Cajun and SLEMCO in 1980 and 1981.

In Docket No. ER76-229, CLECO has submitted an initial rate schedule and service agreement providing for the sale of up to 2000 kW of contract demand to SLEMCO at Melville, Louisiana and a superseding revision providing, in part, for the application of the WR-1 rate schedule to this service as of the effective date of the WR-1 schedule in Docket No. ER76-633 for service to Boyce and Gulf States. The initial filing will be accepted as of October 21, 1975, when service began. Subject to condition, the superseding WR-1 rate schedule will be permitted to become effective subject to refund on August 1, 1976, after a two-month suspension.

Finally, in Docket No. ER76-661, CLECO has tendered rate schedules, a Supplemental Letter Agreement to its existing fixed rate contract with Cajun, a separate Electric System Interconnection Agreement with a letter amendment, which are proposed to be effective on January 1, 1976. These agreements provide for the following services to Cajun: (1) the sale of supplemental power, the capacity and energy exceeding the capacity delivered in 1975 under the fixed rate contract; (2) surplus power sales; (3) economy energy sales; (4) emergency assistance; and (5) transmission service. Subject to conditions, the proposed rates for the sale of supplemental power will be permitted to become effective subject to refund on August 1, 1976, after a two month suspension, while the initial rates for the additional services to Cajun will be accepted for filing as of the date of this order.

A hearing will be ordered to determine the justness and reasonableness of the WR-1 Rate Schedule and the rates for the sale of supplemental power to Cajun. Consolidated therewith will be an investigation under Section 206 of the Federal Power Act concerning the initial rates for transmission service and the sale of surplus power to Cajun.

On April 23, 1976, CLECO tendered proposed changes in rates for service to Boyce, Gulf States, and Elizabeth, consisting of a revised fuel adjustment clause, Rider Schedule FA-W, and general wholesale rate schedule, Rate Schedule WR-1. CLECO proposes to make these changes effective on June 1, 1976 for Boyce and Gulf States, and for Elizabeth on December 31, 1976, when the current fixed rate contract will terminate. "In order to mitigate the effect of the new rate to each of the customers involved. * * *," CLECO has also proposed to limit actual billings through the May 1977 billing period, to 80% of the amounts computed under the proposed rates. Finally, waiver of Section 35.3 of the Regulations is requested to permit the proposed rates or superseding filings to become effective for simi-

[1] A list of the various rate schedules and supplements is attached as Appendix A.

lar service to Cajun and SLEMCO upon the expiration of fixed rate contracts in 1980 and 1981, respectively.

The proposed rates would increase revenues from the service to Boyce, Gulf States and Elizabeth by $115,338 based on the twelve month period ending September 30, 1975. CLECO states that the increase is necessary to recover increased operating costs and provide for an "adequate" rate of return of 9.84%.

Notice of this filing was issued on April 30, 1976, with all protests, comments and petitions to intervene due on or before May 18, 1976. On May 18, 1976, Boyce filed a protest which requested either deferral of the filing, or a reduction in the amount of the increase and a phasing of its implementation over three years.

After review of this filing, the Commission has determined that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. The proposed rate schedules WR-1 and FA-W will be accepted for filing, suspended for two months, and permitted to become effective subject to refund, for service to Boyce and Gulf States on August 1, 1976. Waiver of the Regulations, Section 35.3, will be granted to permit the proposed rates to be made effective, subject to refund to service to Elizabeth on December 31, 1976. However, the proposed rates will be rejected insofar as they would be applied to Cajun and SLEMCO. Since the existing fixed rate contracts with Cajun and SLEMCO, which prohibit the unilateral filing of rate changes, will not expire until 1980 and 1981, waiver of the notice requirements in the Commission's Regulations as to those customers would be premature and inappropriate at this time.

The two-month suspension period has been found appropriate in consideration of CLECO's offer to limit actual billings, through the May 1977 billing period, to 80% of the amounts computed under the tendered rate schedules; but this proposal is not part of the tendered rate schedules. Therefore, CLECO shall be required as a condition to the acceptance of its filing to submit within forty five days an appropriate supplement to its WR-1 rate schedule incorporating its offer of an 80% billing limitation as part of the filed rate schedules.

A hearing will be ordered to determine the justness and reasonableness of the full proposed rate increase. To aid in that determination, it is necessary that CLECO submit appropriate Period II data for the period beginning May 1, 1976, which supports the WR-1 Rate Schedule for each customer. Any data for Cajun and SLEMCO should be separately shown since the Docket No. ER76-633 filing is rejected as it would apply to these two customers.

Docket No. ER 76-229

On November 6, 1975, CLECO tendered a service agreement with SLEMCO covering the sale of up to 2000 kW of contract demand at Melville, Louisiana and an initial rate schedule, REA-10x, which, according to CLECO, was intended to be applicable only until the submission of a revised rate for all of CLECO's wholesale service. An effective date of October 21, 1975 was requested. This initial filing was found to be deficient in a letter of the Secretary dated December 5, 1975. In response, on April 23, 1976, CLECO submitted additional information and proposed to make the WR-1 Rate Schedule effective as to this service at the same time and upon the same terms as it is made effective to Boyce and Gulf States in Docket No. ER76-633. Additionally, CLECO has again offered to limit the billings to SLEMCO under the WR-1 Rate Schedule through May 1977, to 80% of the amounts computed under that schedule. CLECO also proposes to readjust billings to SLEMCO under the initial REA-10x Rate Schedule to the extent that the amounts collected under that schedule exceed the revenues which would have been collected if the superseding WR-1 Rate Schedule had been in effect since the initiation of service.

Notice of the original filing of November 6, 1975 was issued on November 17, 1975, with all comments, protests and petitions to intervene due on or before November 30, 1975. No responses were submitted. Notice of the supplemental filing of April 23, 1976, was issued on May 7, 1976, and set a date of May 24, 1976 for the submission of petitions to intervene, protests and comments. SLEMCO, on May 24, 1976, filed a protest, petition to intervene, and request for a five-month suspension and hearing.

As grounds for a full five month suspension SLEMOC alleges that the filing is deficient in these respects: calculation of a single cost of service study for all wholesale customers including service under fixed rate contracts whose rates cannot be increased until 1980 or 1981; an excessive return on common equity and an inflation of the proportion of common equity in the total capitalization by assuming the corvertability of preferred stock; misallocation of certain transmission facilities; failure to meet the requirements of Order No. 530-A in justifying tax normalization; improper increases in working capital and production plant balances; and misallocation of administrative and general expenses.

The Commission has determined that the initial filing concerning service to SLEMCO at Melville should be accepted as of October 21, 1975. The superseding filing, including the WR-1 Rate Schedule, will be suspended for two months until August 1, 1976 when it will go into effect, subject to refund, pending the above-ordered hearing and a final decision on the justness and reasonableness of the WR-1 Rate Schedule. Acceptance of these filings is subject to a condition that CLECO submit appropriate rate supplements to both filings formally stating its proposals to limit and readjust billings to SLEMCO as necessary.

The Commission also believes that SLEMCO's participation in this proceeding would serve the public interest, and that its petition to intervene should be granted.

Docket No. ER76-661

CLECO sells capacity and energy to Cajun under a fixed rate contract dated May 28, 1970, which can be cancelled in 1980 upon forty-two months notice. On April 30, 1976, CLECO tendered several additional agreements with Cajun: an Electric System Interconnection Agreement, dated April 27, 1976, with appropriate rate schedules; a letter agreement regarding implementation of that agreement; and a letter agreement amending the fixed rate contract. CLECO proposes to make available to Cajun supplemental power, the power and energy requirements exceeding those requirements equal to the 1975 level which will continue to be provided under the terms of the fixed rate contract. Under initial rate schedules, CLECO will also provide energy assistance, transmission service, surplus power and economy energy. A revision of the existing fuel clause, similar to that proposed in Docket Nos. ER76-229 and ER76-633, has been tendered. CLECO also seeks waiver of the notice requirements in the Commission's Regulations to permit an effective date of January 1, 1976 for the entire filing.

CLECO states that effectuation of these agreements will provide greater revenues to CLECO in serving Cajun and additional services to Cajun which give Cajun greater flexibility in accommodating the future growth of its system. The proposed revisions in service would increase revenues by $884,590 based on calendar year 1975, and by $662,887 for 1976 if applied to all of Cajun's requirements, including those requirements equal to the 1975 level. CLECO further states that the largest portion of this increase results from the revision of the fuel cost adjustment clause.

On May 7, 1976, a notice of this filing was issued, with all comments, protests and petitions to intervene in this docket due on or before May 20, 1976. No responses were received.

Upon review of the agreements and rate schedules, the Commission concludes that the rates, terms and conditions for the sale of supplemental power and surplus power and for transmission service have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. Therefore, the rate schedule for the sale of supplemental power in excess of the power requirements for 1976 will be accepted for filing as of June 1, 1975, and suspended for two months until August 1, 1976, when the proposed rates can be collected subject to refund pending hearing and a final decision thereon. The justness and reasonableness of those proposed rates will be a subject of the consolidated hearing ordered in these dockets.

The initial rates for transmission service, emergency assistance, and the sale

of surplus power and economy energy will be accepted for filing and permitted to become effective as of the date of this order. CLECO's request for further waiver of the notice requirements of the Commission's Regulations is denied. Since the initial rates for transmission service and the sale of surplus power have not been shown to be just and reasonable, an investigation of those rates under Section 206 of the Federal Power Act will be ordered. This investigation will be made part of the single consolidated proceeding in these three dockets.

The Commission finds: (1) Subject to the conditions ordered hereafter, the rate schedules tendered by CLECO on April 23, 1976 in Docket No. ER76-633, should be (a) accepted for filing, suspended for two months, and permitted to become effective subject to refund on August 1, 1976, as to Boyce and Gulf States; (b) accepted for filing and permitted to become effective subject to refund on December 31, 1976, as to Elizabeth; and (c) rejected as to Cajun and SLEMCO.

(2) Subject to the conditions hereafter ordered, the rate schedules and service agreement tendered by CLECO on November 6, 1976, in Docket No. ER76-229, should be accepted for filing as of October 21, 1975, and the revise rate schedules tendered on April 23, 1976, in Docket No. ER76-229, should be accepted for filing and suspended for two months until August 1, 1976, when they will become effective subject to refund pending hearing and final decision thereon.

(3) The rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76-661, with the exception of the rates, terms and conditions for the sale of supplemental power, should be accepted for filing and made effective as of the date of this order; the proposed rates, terms and conditions for the sale of supplemental power should be accepted for filing, suspended for two months until August 1, 1976 when they will become effective subject to refund pending hearing and final decision thereon.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that a consolidated hearing be held concerning the justness and reasonableness of the proposed rate increases to Boyce, Gulf States, Elizabeth, and to SLEMCO for service at Melville, and the proposed rates for the sale of supplemental power to Cajun, that as part of the consolidated proceeding an investigation be undertaken concerning the initial rates, terms and conditions for transmission service and the sale of surplus power to Cajun, and that CLECO submit within forty-five days appropriate Period II data for the twelve month period beginning May 1, 1976, supporting the proposed rates increases to Boyce, Elizabeth, Gulf States, Cajun and SLEMCO.

(5) Good cause exists to permit SLEMCO to intervene in this proceeding, provided that such intervention is conditioned as hereafter ordered.

(6) Good cause has not been shown to grant CLECO's requests for waiver of the notice requirements in the Federal Power Act and the Commission's Regulations, except to the extent hereafter ordered.

The Commission orders: (A) Pending hearing and decision thereon and subject to the conditions in ordering paragraph (F), the proposed rate increase to Boyce and Gulf States, tendered by CLECO on April 23, 1976, in Docket No. ER76-633, is hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund, on August 1, 1976.

(B) Pending hearing and decision thereon and subject to the conditions in ordering paragraph (F), the proposed rate increase to Elizabeth, tendered by CLECO on April 23, 1976, in Docket No. ER76-633, is hereby accepted for filing and permitted to become effective, subject to refund, on December 31, 1976.

(C) The proposed rate increases to Cajun and SLEMCO, tendered by CLECO on April 23, 1976, in Docket No. ER76-633, are hereby rejected.

(D) CLECO's filing of November 6, 1975, in Docket No. ER76-229, is hereby accepted and permitted to become effective as of October 21, 1975, subject to the condition in ordering paragraph (F).

(E) Pending hearing and decision thereon and subject to the condition in ordering paragraph (F) the rate change tendered by CLECO on April 23, 1976, in Docket No. ER76-229, is hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund on August 1, 1976.

(F) Within forty-five days after the issuance of this order, CLECO shall file appropriate rate supplements to the rate schedules accepted for filing in ordering paragraphs (A) (B) (D) (E) stating the terms of CLECO's offers in Docket Nos. ER76-633 and ER76-229 to limit and readjust billings under its WR-1 and REA-10x rate schedules.

(G) The rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76-661, except insofar as they apply to the sale of supplemental power to Cajun, are hereby accepted for filing and permitted to become effective as of the date of this order.

(H) Pending hearing and decision thereon, the rate schedules and service agreements tendered by CLECO on April 30, 1976, in Docket No. ER76-661, only insofar as they apply to the sale of supplemental power to Cajun, are hereby accepted for filing, suspended for two months, and permitted to become effective, subject to refund, on August 1, 1976.

(I) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the following rate schedules and service agreements tendered by CLECO: (1) the filing of April 23, 1976, in Docket No. ER76-633; (2) the superseding filing of April 23, 1976, in Docket No. ER76-229; and (3) the filing of April 30, 1976, in Docket No. ER76-661 insofar as it pertains to the sale of supplemental power to Cajun.

(J) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Commission's Rules and Regulations, an investigation shall be commenced and a hearing held concerning the lawfulness and reasonableness of CLECO's filing of April 30, 1976, in Docket No. ER76-661, insofar as it pertains to transmission service and the sale of surplus power to Cajun.

(K) The above ordered proceedings in Docket Nos. ER76-229, ER76-633, and ER76-661 are hereby consolidated for the purposes of hearing and decision thereon.

(L) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (see Delegation of authority, 13 CFR 3.5 (d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(M) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on June 17, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(N) Within forty-five days, CLECO shall file appropriate Period II data for the twelve month period beginning May, 1976, justifying the proposed rate increase in its WR-1 Rate Schedule to Boyce, Gulf States, Elizabeth, and SLEMCO (Melville) and justifying the rate proposed for Cajun supplemental service taken above the 1975 deliveries. Any data the Company proposes to furnish for Cajun and SLEMCO for services other than that indicated above should be separately shown.

(O) CLECO's requests for waiver of the notice requirements of the Federal Power Act and the Commission's Regulations are hereby denied except as previously ordered.

(P) SLEMCO is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(Q) CLECO shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission's Regulations, 18 CFR Section 35.19a.

(R) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS

CENTRAL LOUISIANA ELECTRIC COMPANY

Designation	*Description*
Rate schedule FPC No. 32.	Initial electric service agreement with SLEMCO at Melville.
Supp. No. 1 to rate schedule FPC No. 2.	Rate REA-10X.
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 32.	Fuel adjustment clause, REA-10 X.
Supp. No. 2 to rate schedule FPC No. 32.	Rate WR-1.
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 32.	Fuel adjustment Clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 22.	Rate WR-1 (town of Elizabeth).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 22.	Fuel adjustment clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 23.	Rate WR-1 (town of Boyce).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 23.	Fuel adjustment clause, FA-W.
Supp. No. 1 to rate schedule FPC No. 28.	Rate WR-1 (Gulf States utilities).
Supp. No. 1 to Supp. No. 1 to rate schedule FPC No. 28.	Fuel adjustment clause, FA-W.
Supp. No. 2 to rate schedule FPC No. 30.	Rate WR-1 (SLEMCO).
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 30.	Fuel adjustment clause, FA-W.
Supp. No. 2 to rate schedule FPC No. 21.	Rate WR-1 (Cajun).
Supp. No. 1 to Supp. No. 2 to rate schedule FPC No. 21.	Fuel adjustment clause, FA-W.
Supp. No. 3 to rate schedule FPC No. 21.	Electric service interconnection agreement.
Supp. No. 1 to Supp. No. 3 to rate schedule FPC No. 21.	Emergency energy.
Supp. No. 2 to Supp. No. 3 to rate schedule FPC No. 21.	Transmission service.
Supp. No. 3 to Supp. No. 3 to rate schedule FPC No. 21.	Supplemental power.
Supp. No. 4 to Supp. No. 3 to rate schedule FPC No. 21.	Surplus power.
Supp. No. 5 to Supp. No. 3 to rate schedule FPC No. 21.	Economy energy.
Supp. No. 4 to rate schedule FPC No. 21.	Appendix A to interconnection agreement.
Supp. No. 5 to rate schedule FPC No. 21.	Appendix B to interconnection agreement.
Supp. No. 6 to rate schedule FPC No. 21.	Letter dated Apr. 15, 1976 limiting contract demand under present agreement.
Supp. No. 7 to rate schedule FPC No. 21.	Fuel adjustment clause.
Supp. No. 8 to rate schedule FPC No. 21.	Amendment to exhibit A.

[FR Doc.16338 Filed 6-4-76;8:45 am]

[Docket No. CP76-373]

CITIES SERVICE GAS CO.

Application

MAY 27, 1976.

Take notice that on May 18, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-373 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.11 miles of 20-inch pipeline, with appurtenant facilities, paralleling and looping its existing Springfield 16-inch pipeline in Newton County, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would increase the capacity of this section of Applicant's system, decrease the required discharge pressure on Applicant's Saginaw station, and maintain the pressure on the 16-inch pipeline within the maximum operating pressure of 718 psig. Applicant notes that it experienced difficulty in serving the peak hour demands on the 1975-76 peak day of the customers on the discharge of Saginaw station, principally at Springfield, Missouri. Applicant proposes to design this part of its system for a peak hour flow rate of 110 percent of peak day requirements and states that the proposed facilities would enable Applicant to deliver sufficient volumes through its Springfield system to serve the peak hour requirements of its customers east of Saginaw station during the 1976-77 heating season.

The estimated cost of the proposed facilities is $780,000. Applicant states that this would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 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.76-16349 Filed 6-4-76;8:45 am]

[Docket No. G-14101, *et al.* and G-20302, *et al.*]

COLUMBIAN FUEL CORP. AND CITIES SERVICE OIL CO.

Filing of Petition by Columbia Gas Transmission Corporation for an Order Releasing Refunds Held in Escrow

MAY 27, 1976.

Take notice that on March 22, 1976, the Columbia Gas Transmission Corporation (Columbia Transmission), the legal successor to United Fuel Gas Company (United Fuel), petitioned the Commission for release of certain refunds, plus interest, in the amount of $26,141.75, being retained by Cities Service Oil Corporation (Cities Service) as the legal successor of Columbian Fuel Corporation.

In its petition Columbia states as follows:

By Order issued December 8, 1965 in Docket Nos G-14101, *et al.* and G-20302, *et al.*, 34 FPC 1424, the Commission directed Cities Service in Ordering Paragraphs (C) and (D) to retain refunds due Columbia Transmission. As shown in Appendix A, being the Application of United Fuel for Rehearing and Reconsideration, dated January 6, 1966, the amount retained consisted of $23,965.15 in principal and $2,176.60 interest, for a total of $26,141.75.

The retained refunds cover the period from April 2, 1962 through October 31, 1965. As stated in the aforesaid Application for Rehearing and Reconsideration, the procedure relating to refunds was covered by the Stipulation and Agreement in United Fuel's Docket No. G-20270 (in effect from June 1, 1961 through October 31, 1965).

By virtue of Article IV, Paragraph 2 of said Stipulation and Agreement, Columbia Transmission is not required to pass on any refunds received from suppliers as a result of the final determination of gas purchase increases which became effective after June 1, 1961 and which were not reflected in the rates in Docket No. G-20270.

In a similar case, *Pan American Petroleum Corporation*, Docket No. G-9279, order issued July 29, 1975, the Commission determined that refunds may be appropriately retained by Columbia Transmission pursuant to the Commission approved Stipulation and Agreement in *United Fuel Gas Company*, Docket No. G-20270. The Pan American refunds also resulted from gas purchase increases made effective during the period covered by the Stipulation and Agreement in Docket No. G-20270 and subsequently disallowed by the Commission. Since the factual situation with regard to Columbia Transmission in the above-docketed proceeding is identical to the situation in the Pan American Petroleum Corporation Docket No. G-9279, and since the subject refunds arose from rates in effect subsequent to June 1, 1961, and relate to gas purchases prior to November 1, 1965, the refunds in question held in escrow by Cities Service should be released to Columbia Transmission without flow-through obligation, pursuant to the Commission approved Stipulation and Agreement in Docket No. G-20270.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 9, 1976. Protests will be considered by the Commission 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 must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16343 Filed 6-4-76;8:45 am]

[Docket Nos. RP76-94 and RP76-95]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Pipeline Rates; Order Accepting for Filing and Suspending Proposed Tariff Sheets, Granting Intervention, Establishing Procedures and Consolidating Proceedings

MAY 28, 1976.

On April 29, 1976, Columbia Gulf Transmission Company (Columbia Gulf) and Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing proposed tariff revisions which will increase Columbia Gulf's jurisdictional revenues by $4,661,000 and will increase Columbia Gas' jurisdictional revenues by $36,786,900. Both applicants request that the Commission permit the proposed tariff sheets to become effective on June 1, 1976. For the reasons hereinafter stated, the Commission will accept the tariff sheets for filing, suspend their use for five months until November 1, 1976, conditionally grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations, establish procedures, consolidate proceedings and grant petitions to intervene.

Columbia Gulf's April 29, 1976, submittal was docketed as Docket No. RP 76-94 and consists of one revised tariff sheet.[1] That sheet reflects a depreciation rate of 10.0 percent for offshore properties and 5.5 percent for onshore properties. It also reflects an overall rate of return of 10.67 percent.

Columbia Gas' April 29, 1976, tender was docketed as Docket No. RP76-95 and includes twenty-nine revised tariff sheets. One sheet,[2] provides for an increase in annual jurisdictional revenues of $36,786,900 over the revenues generated by the rates being collected subject to refund in Docket No. RP75-106. Columbia Gas bases its request for increased rates on a cost of service for the twelve months ended December 31, 1975, as adjusted for known and measurable changes occurring during the succeeding nine months. Insofar as Columbia Gulf provides a transportation service from Louisiana to Kentucky for Columbia Gas, Columbia Gulf's proposed increase in charges for transportation service are included in Columbia Gas' proposed cost of service.

The principal reasons given by Columbia Gas for its proposed rate increase are an increase in operation and maintenance expenses, a decline in annual sales, an increase in the rate base resulting from additional payments under outstanding advance payments agreements and an increase in the cost allowance for Columbia Gas' production from Appalachian leases. Additionally, Columbia Gas claims an overall rate of return of 10.67 percent, reflecting an increased cost of debt and a proposed 15.0 percent return on common equity.

The remaining twenty-eight proposed revised tariff sheets[3] to Original Volume No. 1 of Columbia Gas' FPC Gas Tariff revise Zone 2 sales and service rates to reflect the conversion from Mcf to dekatherms, adjust the authorized monthly volumes of Columbia Gas' Zone 2 customers, change the filing date for Purchased Gas Adjustment filings to provide thirty days' notice rather than the presently prescribed forty-five days, change the period for preservation of all test data, charts and other similar measurement records from three years or such longer period as may be required to two years or such longer period as may be required and revise Sections 12.2 and 13.2 of the General Terms and Conditions to limit the right of buyers to reduce contract demand and/or maximum daily quantity.

Public notices of Columbia Gulf's and Columbia Gas' filings were issued on May 6, 1976, with comments, protests, and petitions to intervene due on or before May 24, 1976. Various petitions to intervene and notices of intervention have been received from several parties.[4] The Commission believes that intervention of such parties may be in the public interest. Accordingly, they will be permitted to intervene in the proceedings hereinafter established.

Commission review of Columbia Gulf's and Columbia Gas' proposed tariff revisions indicates that the revisions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission will accept the proposed tariff sheets for filing, will suspend the use thereof for five months until November 1, 1976, when they may be permitted to become effective, subject to refund and will establish hearing procedures to determine the lawfulness of the revised rates, charges and conditions of service proposed therein. Columbia Gas requests a shorter suspension period, but the Commission concludes that good cause does not exist to grant that request.

Commission review of Columbia Gulf's and Columbia Gas' filings reveals that certain amounts for facilities which remain to be certified and placed in service are included in rate base. The Commission concludes that good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations to permit these amounts to be included in the filing, subject to the condition that Columbia Gulf and Columbia Gas file revised tariff sheets prior to November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before September 30, 1976.

Given the affiliate relationship of Columbia Gulf and Columbia Gas and given the use of the same test period by the two companies, the Commission concludes that good cause exists to consolidate Docket No. RP76-94 and Docket No. RP76-95.

The issue of the proper cost for Columbia Gas' gas production from its leases located in the Appalachian area is presently before an Administrative Law Judge in Docket No. RP75-106. The Commission concludes that the issue of the cost of Columbia Gas' gas production from its Appalachian leases as it arises in the instant docket should be

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[1] *Designated:* Twenty-third Revised Sheet No. 7, FPC Gas Tariff, Original Volume 1.

[2] *Designated:* Twenty-eighth Revised Sheet No. 16 to Original Volume No. 1 of Columbia Gas' FPC Gas Tariff.

[3] *Designated:* First Revised Sheet Nos. 17, 32, 43, 46, 48, 49, 50, 58, 59, 60, 61, 69, 71, 72A, 72C; Second Revised Sheet Nos. 64, 70, 72; Third Revised Sheet Nos. 19A, 47A, 62C; Fourth Revised Sheet Nos. 18, 19, 47; Fifth Revised Sheet Nos. 62, 62B, 90; and Fourteenth Revised Sheet No. 64B.

[4] *See:* Appendix A, filed as part of original document.

governed by the outcome of the proceeding in Docket No. RP75-106.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas and suspend their use for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to permit the intervention of the parties listed in Appendix A.

(3) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Regulations, subject to the condition hereinafter ordered.

(4) Good cause exists to consolidate Docket Nos. RP76-94 and RP76-95.

(5) Good cause exists to order that the issue of the cost of Columbia Gas' gas production from its Appalachian leases should be governed by the outcome of the proceedings in Docket No. RP75-106.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas are hereby accepted for filing and suspended for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed on April 29, 1976, by Columbia Gulf and Columbia Gas.

(C) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations, subject to the condition that Columbia Gulf and Columbia Gas file revised tariff sheets to go into effect on November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before September 30, 1976.

(D) The proceedings in Docket Nos. RP76-94 and RP76-95 are hereby consolidated for hearing and all other purposes.

(E) The parties listed in Appendix A attached hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 30, 1976. (See Administrative Order No. 157).

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(H) The issue of the cost of Columbia Gas' gas production from its Appalachian leases shall be governed by the outcome of the proceedings in Docket No. RP75-106.

(I) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-16357 Filed 6-4-76;8:45 am]

[Docket No. ER76-695]

CONSUMERS POWER CO.

Termination

MAY 27, 1976.

Take notice that on May 21, 1976 Consumers Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with, according to Company:

Southeastern Michigan Rural Electric Cooperative, Inc., Contract dated May 21, 1967, Rate Schedule FPC No. 12, Proposed termination date: May 21, 1977.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on the SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the order of the Federal Power Commission in Docket No. ER76-45 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to Southeastern Michigan Rural Electric Cooperative, Inc., at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

The Company states that copies of the filing were served on Southeastern Michigan Rural Electric Cooperative, Inc., its counsel, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in acordance 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 June 14, 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.76-16350 Filed 6-4-76;8:45 am]

[Docket No. ER76-690]

FLORIDA POWER & LIGHT CO.

New Delivery Point

MAY 27, 1976.

Take notice that on May 19, 1976, Florida Power & Light Company (FP&L) tendered for filing a Substitute Original Sheet No. 22 of Original Volume No. 1 of its FPC Electric Tariff, which provides for the addition of a delivery point between Florida Keys Electric Coop (Keys) and FP&L.

To the extent necessary, FP&L requests that the Commission waive its notice requirements to permit the addition of the new delivery point to become effective as of February 26, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervent or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-16359 Filed 6-4-76;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Electric Rates; Order Denying Rehearing

MAY 28, 1976.

On April 29, 1976, The Cities of Acworth, Georgia, *et al.*,[1] and the Electric Cities of Georgia, Georgia Municipal Association, Inc. (the Cities), filed an Application for Rehearing of the Commission's order of March 29, 1976 in the above-captioned docket. As a basis for rehearing, the Cities allege that (1) Georgia Power's proposed WR-9 rate is an attempt to circumvent the Commission's policy of excluding CWIP from rate base by claiming an excessive return

on common equity of 17.10% and contains substantial errors in the peak demands used to allocate substantially all of the Company's costs; or (2) if the Commission should decide to accept the filing, it's use should be suspended for the full statutory period and the Commission should direct that all errors therein should be corrected before the rates become effective; and (3) the Cities should be permitted to include "price-squeeze" issues in the proceedings ordered herein. For the reasons hereinafter stated, we shall deny the Application for Rehearing.

On March 1, 1976, Georgia Power submitted for filing a proposed rate increase to its total requirements wholesale customers served under its FPC Electric Tariff Original Volume No. 1.[2] Two petitions to intervene were received, including one filed on March 22, 1976 by the petitioning Cities herein, which also requested a rejection or five month suspension of the proposed rate schedules. By order issued March 29, 1976, the Commission accepted Georgia Power's submittal for filing, suspended its effectiveness for one month, or until May 1, 1976, denied the request to reject, permitted interventions, and established procedures.

With respect to Cities' first contention, the Courts have previously determined that there are two situations when a filing may properly be rejected: (1) where the filing is not in proper form or order, e.g., rejection on the basis that the test year data older than seven months prior to the time of filing are too stale for use as the test period; and (2) where as a matter of substantive law the filing is a nullity so that no purpose would be served by continuing the proceeding.[3] The Commission finds that the instant case presents neither of these situations. Georgia Power's filing substantially complied with the Commission's Regulations for its tender to be assigned a filing date and not be rejected.

In their second contention, Cities allege that the Commission should have considered the alleged errors in Georgia Power's 1976 peak demand estimates and the arguments set forth in the Cities March 22, 1976 pleading not only in the context of the request to reject but also as it affected the appropriate length of the suspension period. The statements offered in support of the Application for Rehearing renew arguments already presented by Cities in their initial Petition to Intervene in this docket. Our decision to suspend for one month was based on our review of Georgia Power's filing, the testimony and exhibits in support thereof and the pleadings of the intervenors. Based on such review we exercised our independent judgment in light of our expertise in this area and concluded that a 30-day suspension was sufficient to protect the public interest and the parties to this proceeding. Upon further review, we reaffirm our prior order and conclude that the 30-day suspension was proper. The period of suspension is a matter of discretion and not subject to judicial review. Municipal Light Boards, supra.

With respect to Cities' third contention that the parties should be permitted to include "price-squeeze" issues, the Commission stated in its March 29, 1976 order:

"Other matters raised by Cities in its petition are also properly the subject of the evidentiary hearing, except for the 'price squeeze' issue alleged. This issue should be excluded from the hearing herein ordered, pending resolution of the *Conway* case. (footnote omitted)."

We affirm the March 29, 1976, statement with respect to *Conway*.

The Commission finds: Good cause exists to deny Cities' Application for Rehearing.

The Commission orders: (A) The Cities' Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16354 Filed 6-4-76;8:45 am]

[1] The individual cities are listed on Attachment B of the Commission's order issued March 29, 1976 in this docket.

[2] Designated as shown on Attachment A of the Commission order of March 29, 1976.

[3] *Municipal Light Boards* v. *F.P.C.* 450 F.2d 1341, 1352 (1971).

[Docket No. ER76-568]

HARTFORD ELECTRIC LIGHT CO.

Supplemental Filing

MAY 27, 1976.

Take notice that on May 17, 1976, the Hartford Electric Light Company (HELCO) tendered for filing supplemental data in response to a letter issued on April 20, 1976 by the Commission's Secretary in this docket informing HELCO that its filing of March 19, 1976 had been assessed as deficient.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 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.76-16361 Filed 6-4-76;8:45 am]

[Docket No. CI76-456, *et al.*]

GENERAL AMERICAN OIL CO. OF TEXAS (OPERATOR), ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 19, 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 June 14, 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.

[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 1,000 ft³	Pressure base
CI76-456 B 4-6-76	General American Oil Co. of Texas (Operator) et al., Meadows Bldg., Dallas, Tex. 75206.	Columbia Gas Transmission Corp., Duson Field, Lafayette Parish, La.	Depleted	
CI76-457 A 4-7-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., Boxcar Butte Field, McKenzie County, N. Dak.	[1] $0.794316	14.73
CI76-458 A 4-7-76	do	do	[1] $0.794316	14.73
CI76-459 A 4-6-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., sec. 34, township 20 north, range 16 west, Major County, Okla.	[2] 52.0	14.73
CI76-460 A 4-9-76	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Transco Gas Supply Co., block 206, High Island area, offshore Texas.	[3] 52.116	14.65
CI76-461 B 4-1-76	Exchange Oil & Gas Corp., 1010 Common St., New Orleans, La. 70112.	Eugene Island, block 172, offshore Louisiana.	Depleted	
CI76-463 A 4-12-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Pecan Island Field, Vermillion Parish, La.	[4] 60.55	15.025
CI76-464 A 4-12-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, West Cameron, 587 field, Federal, offshore Louisiana.	[5] 53.5514	15.025
CI76-465 B 4-12-76	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Tubb-Blinebry Field, Lea County, N. Mex.	Wells reclassified	
CI76-466 B 4-12-76	Petroleum Corp. of Texas, P.O. Box 911, Breckenridge, Tex. 76024.	Coastal States Gas Producing Co., Donna N. Field, Hidalgo County, Tex.	Depleted	
CI76-467 B 4-12-76	do	do	Depleted	
CI76-468 B 4-12-76	do	do	Depleted	
CI76-469 B 4-12-76	do	Coastal States Gas Producing Co., North Los Torritos Field, Hidalgo County, Tex.	Depleted	
CI76-470 B 4-12-76	do	Coastal States Gas Producing Co., Donna N. Field, Hidalgo County, Tex.	Depleted	
CI76-471 B 4-12-76	do	do	Depleted	
CI76-472 B 4-12-76	do	do	Depleted	
CI76-473 B 4-12-76	do	Orange Grove Gas Gathering Co., Northwest Orange Grove, Jim Wells County, Tex.	Depleted	
CI76-476 B 4-8-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Roach Field, Reagan County, Tex.	Expiration of lease agreement.	
CI76-477 B 4-8-76	do	Cities Service Gas Co., Southeast Woodward Field, Woodward County, Okla.	Well plugged and abandoned	
CI76-480 B 4-13-76	Patrick Petroleum Corp., 3347 Tates Creek Pike, Lexington, Ky. 40502.	Mountain Gas Co., Newburg formation, Rocky Field, W. Va.	Depleted	
CI76-481 A 4-15-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Wilshire Field, Upton County, Tex.	[2] 56.22	14.73
CI76-483 A 4-18-76	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line, Southeast Niles Field, Canadian County, Okla.	[6] 55.914	14.73
CI76-484 A 4-2-76	American Natural Gas Production Co., 1 Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Canadian County, Okla.	[3] 51.718	14.65
CI76-485 A 4-14-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Morrow formation, Robinia Draw, unit No. 1, Eddy County, N. Mex.	[2] 58.3275	14.73
CI76-486 A 4-16-76	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mocane-Laverne Field, Harper County, Okla.	[6] 51.6176	14.65
CI76-487 B 4-19-76	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., sec. 29-6N-24 ECM, Mitchell unit, Beaver County, Okla.	Depleted	
CI76-488 A 4-19-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Mountain Fuel Supply Co., Spearhead Area, Converse County, Wyo.	[7] 52.02	15.025
CI76-489 A 4-19-76	Edwin L. Cox, 3800 1st National Bank Bldg., Dallas, Tex.	Texas Eastern Transmission Corp., North Riverside Field, San Patricio County, Tex.	[8] 61.62	14.65
CI76-491 B 4-19-76	Cleary Petroleum Corp., 300 Prentice Bldg., North Broadway Plaza, Oklahoma City, Okla. 73116.	Arkansas-Louisiana Gas Co., Cleary-Wilson No. 1 well, Kingfisher County, Okla.	Unproductive	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Includes 7.22¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[2] Subject to upward and downward British thermal unit adjustment.
[3] Subject to upward and downward British thermal unit adjustment and includes 0.398¢ gathering allowance. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[4] Includes 0.29¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[5] Subject to upward and downward British thermal unit adjustment. Pursuant to order 699-H.
[6] Subject to upward and downward British thermal unit adjustment. Pursuant to opinion No. 699 and opinon No. 699-H.
[7] Subject to upward and downward British thermal unit adjustment. Spearhead Ranch A No. 1 adjusted pursuant to opinion No. 699-H. North Fox Federal A No. 1 adjusted pursuant to opinion No. 699-H plus 1.02¢ gathering adjustment.
[8] Includes 5.312¢ upward British thermal unit adjustment.

[FR Doc.76-16337 Filed 6-4-76;8:45 am]

[Docket No. RI76-123]

J. M. ZACHARY, ET AL.

Petition for Declaratory Order

MAY 27, 1976.

Take notice that on May 11, 1976, the following small producers, J. M. Zachary, Neville G. Penrose, and the Trusts U/D Donaldson Brown (Petitioners), 1213 First National Bank Building, Fort Worth, Texas, filed a petition for a declaratory order pursuant to Sections 1.8 (c), 1.12, and 1.34 of the Commission's Rules of Practice and Procedure, the Administrative Procedure Act, 5 U.S.C. § 554(e), and Sections 4, 5, 7 and 19(a) of the Natural Gas Act in Docket No. RI76-123. Petitioners state that they are working interest owners under leases covered by a certain gas purchase agreement dated March 15, 1954, between Permian Basin Pipeline Company, as Buyer, and Neville G. Penrose, Inc., as Seller. They request a declaratory order that the term of such agreement, hereinafter referred to as the "Permian Agreement," has expired or terminated according to its own terms. (The Permian Agreement is contained in Sohio Petroleum Company FPC Gas Rate Schedule No. 63.)

Petitioners state that on or about February 28, 1975, which was more than twenty (20) years after the effective date of the Permian Agreement, they gave written notice to Northern that they would no longer deliver gas to Northern under the Permian Agreement, and that the said Permian Agreement was terminated in accordance with its terms.

Petitioners and Northern negotiated and entered into an "Interim Agreement", on January 21, 1976, providing for an effective date as of 7:00 o'clock a.m. on April 1, 1975. The Interim Agreement was made subject to final determination of the question as to the term of the Permian Agreement.

Petitioners state they are currently delivering gas to Buyer in accordance with the terms and provisions of the Interim Agreement, subject to refund. The Interim Agreement provides, *inter alia*, that Petitioners will request a Declaratory Judgment from the Federal Power Commission concerning whether the Permian Agreement has expired or terminated by its own terms, or whether the term thereof extends for the life of commercial production of natural gas from the subject leases.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to praticipate as a party in any hearing therein, must file a petition to intervene

in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16344 Filed 6-4-76;8:45 am]

[Docket Nos. ER76-39, ER76-340, and ER76-363]

KANSAS POWER AND LIGHT CO.

Postponement of Procedural Dates

MAY 27, 1976.

On May 19, 1976, Kansas Power and Light Company filed an appeal from certain rulings of the Presiding Administrative Law Judge. The appeal also requests that further hearings and procedural matters be stayed pending disposition of the appeal.

Upon consideration, notice is hereby given that further hearings and procedural matters in this proceeding are postponed pending disposition of the appeal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16343 Filed 6-4-76;8:45 am]

[Docket No. RP76-100]

MICHIGAN WISCONSIN PIPE LINE CO.

Pipeline Rates; Order Accepting for Filing and Suspending Revised Tariff Sheets; Permitting Intervention, Granting Waiver, and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing certain revised tariff sheets to its FPC Gas Tariff,[1] seeking an increase in annual jurisdictional revenues of $68,705,227. The proposed increase in rates is based on claimed increased costs for the twelve months ended January 31, 1976, as annualized and adjusted for changes expected to occur during the nine month period ending October 31, 1976. Michigan Wisconsin proposes that the revised tariff sheets become effective on June 1, 1976. For the reasons hereinafter stated, the Commission will accept the revised sheets for filing, suspend their use for five months, and establish procedures to determine the lawfulness of the rates and charges proposed therein.

Public notice of the filing was issued on May 13, 1976, with comments, protests, and petitions to intervene due on or before May 21, 1976. Various petitions to intervene and notices of intervention have been received.[2] The Commission believes that intervention of such parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

Michigan Wisconsin's justification for the proposed increased rates includes a claimed increase in the cost of capital, specifically an increase in its embedded cost of debt to 8.51% and an allowance on equity of 14.75%, resulting in an overall rate of return of 11.25%; an increase in depreciation rates for gathering, storage, and transmission facilities; increased costs associated with the acquisition of gas supplies; increased costs of labor, supplies, and other operating expenses; a reduction of projected sales volumes; cost of service treatment for its exploration and development program; and other increases in cost of service, all of which should be the subject of an investigation as to the lawfulness of the proposed rates hereinafter ordered.

Commission review of the proposed increased rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept the proposed increased rates for filing, suspend the use thereof for five months, or until November 1, 1976, when they may be permitted to become effective, subject to refund, and establish hearing procedures to determine the lawfulness of the increased rates and charges proposed herein. Review also indicates that certain amounts for facilities which must be certificated and in service are included in rate base. The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations to permit these amounts to be included in the filing, subject to the condition that Michigan Wisconsin file revised tariff sheets prior to November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before October 31, 1976.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed herein and suspend their use for five months, until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(2) Good cause exists to permit the intervention of the parties listed in Appendix A.

(3) Good cause exists to grant waiver of Section 154.63(e)(2)(ii) of the Regulations, subject to the condition hereinafter ordered.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets designated in footnote 1 are hereby accepted for filing and suspended for five months, or until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) Good cause exists to grant waiver of Section 154.63(e)(2(ii) of the Regulations, subject to the condition that Michigan Wisconsin file revised tariff sheets to go into effect on November 1, 1976, excluding from rate base facilities which are not certificated and placed in service on or before October 31, 1976.

(D) The parties in Appendix A hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before October 1, 1976. (See Administrative Order No. 157).

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16335 Filed 6-4-76;8:45 am]

[Docket Nos. RP73-43, RP75-68 (PGA76-1)]

MID LOUISIANA GAS CO.

Extension of Time

MAY 27, 1976.

On April 27, 1976, Staff Counsel filed a motion for an extension of time within which to comment on data tendered by Mid Louisiana Gas Company (Mid Louisiana) on February 27, 1976, pursuant to the order issued January 30, 1976, in the above-designated matter. By notice issued April 15, 1976, comments were due on or before April 30, 1976.

Upon consideration, notice is hereby given that the time within which com-

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[1] Fourteenth Revised Sheet No. 27F to Second Revised Volume No. 1 and the following revised sheets to First Revised Volume No. 2: Seventh Revised Sheet Nos. 92, 110, 129, and 130; Fourth Revised Sheet Nos. 214 and 215; Third Revised Sheet Nos. 231, 232, 297, 315, and 339; and Second Revised Sheet Nos. 420 and 421.

[2] See Appendix A, filed as part of original document.

ments may be filed on Mid Louisiana's filing of February 27, 1976, is extended to and including June 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16363 Filed 6-4-76;8:45 am]

[Docket Nos. RP71-125, RP75-108, (PGA76-6)]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Pipeline Rates; Purchased Gas Adjustment

MAY 28, 1976.

On April 15, 1976, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes[1] in its FPC Gas Tariff, Third Revised Volume No. 1, to reflect an increase in purchased gas costs. For the reasons discussed in this order the Commission shall accept the proposed changes for filing, suspend their effectiveness for one day, and permit them to become effective June 2, 1976, subject to refund.

Natural's April 15, 1976 PGA filing in these dockets reflects an increase of approximately $19 million (1.84¢ per Mcf) to track increases in producer supplier purchased gas costs and a revised surcharge (3.38¢ per Mcf) to amortize the balance in its deferred purchased gas cost account. Natural requests an effective date of June 1, 1976.

Public notice of Natural's filing was issued May 3, 1976, with all comments, protests or petitions to intervene due on or before May 23, 1976.

The Commission's review of Natural's filing indicates that the proposed rates contain small producer and emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Review of Natural's filing also reveals that the filing reflects an uncertificated purchase from a pipeline supplier at a rate in excess of the national rate.[2] For these reasons the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their use for one day, until June 2, 1976, when they may be permitted to become effective subject to refund.

With regard to the issue of the small producer purchases described above, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[3] and the proposed rulemaking in Docket No. RM76-5.[4]

Notwithstanding the deferral of a procedural schedule on the small producer issue (Natural shall file within 15 days of the date of this order, a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing who are making sales at rates in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases, the Commission noted in Opinion No. 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review of the information filed, and any comments related thereto, indicate that the subject purchases meet the criterion set forth in Opinion No. 699-B, the Commission shall terminate the proceedings and relieve Natural of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, such proceedings will be established by subsequent order.

With regard to the uncertificated purchase from Kansas Power and Light Company, Natural shall be required to file, within thirty days of the issuance of this order, comments concerning the circumstances of the purchase including, but not limited to, the following, in order that the Commission may determine whether a proceeding should be instituted to decide whether the sale to Natural is subject to the Commission's jurisdiction: (1) the place of production of the subject gas volumes; (2) whether the gas is commingled with Natural's gas supplies in interstate commerce; (3) whether the subject gas is sold entirely within the state of production; (4) whether the subject gas is sold to Natural's jurisdictional customers; and (5) whether the subject gas is transported and sold through Natural's jurisdictional facilities. The Commission additionally invites comments on these questions by Kansas Power and Light Company. Pending receipt of these comments and further action deemed necessary by the Commission, Natural's inclusion in its filing of the costs associated with this purchase will be subject to refund.

Our review of the remainder of Natural's filing indicates that it complies with the standards set forth in Docket No. R-406 and should be approved. Accordingly, we shall permit Natural to file, to become effective June 1, 1976, revised tariff sheets reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate, and elimination of costs associated with the uncertificated purchase from Kansas City Power and Light Company.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, be deferred pending further Commission order.

(2) Good cause exists to require Natural to file, within 15 days of the date of issuance of this order, a list (with addresses) of small producers (other than small producers making 60-day emergency sales) from whom Natural's purchases reflected in the instant filing were made at rates in excess of the "130% formula" established in Opinion No. 742.

(3) Good cause exists to require Natural to file, within 30 days of the date of issuance of this order, information concerning the 60-day emergency purchases included in its filing as outlined in this order.

(4) Good cause exists to require Natural to file, within 30 days of the date of issuance of this order, comments concerning the uncertificated purchase from Kansas City Power and Light Company as outlined in this order.

The Commission orders. (A) Natural's April 15, 1976 tender in these dockets of Twenty-eighth Revised Sheet No. 5 and Third Revised Sheet No. 5-A is hereby accepted for filing, suspended for one day, and permitted to become effective June 2, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Natural may file revised tariff sheets, to become effective June 1, 1976, reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate, and elimination of costs associated with the uncertificated purchase from Kansas City Power and Light Company.

(C) Hearing procedures on the issue of small producer purchases (other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation) in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further Commission order.

(D) Within 15 days of the date of issuance of this order, Natural shall file with

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[1] Twenty-eight Revised Sheet No. 5 and Third Revised Sheet No. 5-A.

[2] The purchase is from Kansas Power and Light Company at a base rate of 55.810¢ at 14.65 psia.

[3] ____ FPC ____ issued August 28, 1975, in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[5] ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency sales, from whom it purchased at rates in excess of the rate level established in Opinion No. 742.

(E) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions, within 30 days of the date of issuance of this order, the following information: (1) the pipeline's need for gas; (2) availability of other gas supplies; (3) the amount of gas purchased under each 60-day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review of the information filed, and any comments related thereto, indicate that such 60-day emergency purchases meet the guideline set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information filed and any comments related thereto indicate that further proceedings are required as to any or all of such 60-day emergency purchases, such proceedings will be established by subsequent order.

(F) To assist in Commission review of the propriety of including the costs associated with the uncertificated purchase of gas from Kansas City Power and Light Company and in the determination of whether a proceeding should be instituted to determine whether the sale is subject to the Commission's jurisdiction, Natural shall file, within 30 days of the date of issuance of this order comments surrounding the circumstances of this sale including, but not limited to, the following: (1) the place of production of the subject gas volumes; (2) whether the subject gas is commingled with Natural's gas supplies in interstate commerce; (3) whether the subject gas is sold entirely within the state of production; (4) whether the subject gas is sold to Natural's jurisdictional customers; and (5) whether the subject gas is transported and sold through Natural's jurisdictional facilities.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16356 Filed 6–4–76;8:45 am]

[Docket No. E–9560]

OHIO ELECTRIC CO.

Filing of Complaint

MAY 27, 1976.

Pursuant to the authority of the Federal Power Act, particularly Section 306 thereof, and Section 2.1(a)(1)(i)(I) of the Commission's General Policy and Interpretations, notice is hereby given that on May 5, 1976, Ormet Corporation (Ormet) filed a complaint in the above-captioned docket alleging, inter alia, that the rate charged Ohio Power Company by Ohio Electric Company for electric service under Ohio Electric's Rate Schedule FPC No. 1 is "unjust, unreasonable, and unduly discriminatory, preferential or otherwise unlawful under Section 205 of the Federal Power Act * * *" Ormet requests that the Commission investigate the matters set forth in said complaint.

A copy of the subject complaint has been forwarded to Ohio Electric Company, who shall answer said complaint in writing within 30 days. In addition, a copy of the complaint and this notice shall be published in the FEDERAL REGISTER.

Any person wishing to do so may submit written comments concerning the subject complaint on or before June 23, 1976, to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–16351 Filed 6–4–76;8:45 am]

[Docket No. ER76–532]

PACIFIC GAS & ELECTRIC CO.

Electric Rates; Order Denying Rehearing

MAY 28, 1976.

By order issued March 29, 1976, the Commission permitted an increase in rates charged by Pacific Gas and Electric Company (PG&E) for transmission service to the United States Bureau of Reclamation (USBR) to become effective subject to refund, on April 1, 1976, after a one day suspension. On April 28, 1976, an intervenor, the Northern California Power Agency and its members (Northern California) filed an application for rehearing which seeks rejection of the filing as barred by the terms of the service contract or reconsideration of the one day suspension. That application is denied.

PG&E requested that the proposed transmission rates be put into effect on April 1, 1976 to avoid "unnecessary controversy" over a possible interpretation of a renegotiation provision in PG&E's contract with USBR to the effect that the transmisison rate cannot be modified until April 1, 1981, if the proposed changes are not effective on April 1, 1976. The contract concerns both USBR's sale of energy to PG&E and the wheeling of additional energy by PG&E for USBR. Article 32 provides for joint review and adjustment of the contract rates on April 1, 1971 and every five years thereafter and states that "[i]f the parties are unable to agree on a change of any rate or charge, the matter shall be submitted to the Federal Power Commission for a final determination." In his petition to intervene filed March 22, 1976, the Secretary of the Interior on behalf of USBR supported PG&E's request that the proposed rates become effective on April 1, 1976 and explained that "[t]he parties have been engaged in a joint review of the wheeling rates and other rates and charges in the Contract for more than a year and a half and as yet have been unable to reach agreement * * *".

Apparently, Northern California contends that, under the terms of the contract and the Mobile-Sierra rule,[1] the Commission must consider the sale and transmission rates together and only upon a joint submission by PG&E and USBR after a complete and unsuccessful termination of the renegotiations. Northern California notes that USBR and PG&E recently agreed to a thirty day extension of negotiations, which postponed the announcement of USBR's final position on all issues that had been scheduled for March 31, 1976.[2]

Section 32 authorizes the submission of "a change of any rate or charge" in the contract. It does not require a joint rather than unilateral submission. The specified date for rate review and adjustment, April 1, 1976, has passed and the parties as yet have been unable to reach an agreement on a new transmission rate. Further, even if the contract were interpreted as prohibiting a unilateral filing, a modification removing that prohibition has been affected by the subsequent conduct of the parties: PG&E's submission of new transmission rate and USBR's agreement that the new rate should be put into effect subject to refund upon a final decision of the Commission.[3]

As grounds for rejection of the filing or a five month suspension period, Northern California reiterates these alleged defects which were raised in its motion to reject: (1) the proposed high rate of return is not justified since most of PG&E's future capital requirements arise from the need for additional production plant; (2) an unjustified incease in depreciation rate and an overstatement of the working capital allowance; (3) inconsistencies in computing the credit for PG&E's use of USBR's transmission lines versus PG&E's valuation of its transmission service to the Bureau; and (4) misallocation of transmission costs in several forms. Finally, according to Northern California, PG&E

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[1] *United States Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 322 (1956); *F.P.C.* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956).

[2] As Exhibit 3 to its Application Northern California appended a copy of a Department of the Interior news release announcing the extension which is dated March 31, 1976. Exhibit 2 is a copy of a letter from PG&E to the Secretary, dated March 30, 1976, urging a delay in a final decision and stipulating that a final decision on the sale rate, through agreement or decision of the Commission, will be retroactive to April 1, 1976.

[3] *Sam Rayburn Dam Electric Cooperative* v. *F.P.C.*, 515 F. 2d 998 (D.C. Cir. 1975).

cannot raise the transmission rates above the level justified by "the concept of equivalent federal costs" of constructing and operating a separate federal transmission system to provide the same service. Northern California argues that PG&E contracted for rates based on such equivalent federal costs in order to induce USBR to forego an opportunity to construct a transmission system and must now be held to its "promise" inducing forbearance.

As stated in the order of March 31, 1976, in this docket, these allegations can be examined more appropriately after a record is developed at a formal hearing. Northern California has not yet shown that the contract established a rate ceiling based on equivalent federal costs, or that the proposed rates exceed that ceiling if a limitation can be found from the conduct of PG&E. The Commission concludes that sufficient uncontroverted facts have not been shown to justify rejection of the filing or modification of the discretionary choice of a one day suspension. Finally, if the rates are proven later to be unjust and unreasonable, the interest of Northern California and its members can be adequately protected through a refund order.

The Commission finds: The application for rehearing filed by Northern California on April 28, 1976, sets forth no new facts or legal principles which warrant any change in the Commission's order of March 29, 1976 in this docket.

The Commission orders: (A) The application for rehearing filed by Northern California on April 28, 1976, in this docket, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-16362 Filed 6-4-76;8:45 am]

[Docket No. RP73-89, PGA76-2]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

MAY 27, 1976.

Take notice that on May 14, 1976, Sea Robin Pipeline Company (Sea Robin) tendered for filing Ninth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1. Sea Robin states that this tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1976, pursuant to Section 1 of Sea Robin's tariff, and are in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Sea Robin further states that copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 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 June 9, 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.76-16347 Filed 6-4-76;8:45 am]

[Docket No. CP76-375]

SOUTHERN NATURAL GAS CO.

Application

MAY 27, 1976.

Take notice that on May 20, 1976, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-375 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its South Little Lake Receiving Station in Jefferson Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the receiving station is located in a navigable waterway in the State of Louisiana and that the owner of the platform has been instructed by the State to remove it as it has been identified as a potential hazard to navigation. Deliveries to Applicant through the receiving facilities are said to have ceased, and Applicant states that the well will be plugged and abandoned later this year and that Applicant has determined to its satisfaction that there are no further recoverable reserves to be produced.

The application states that the receiving facilities are connected to Applicant's Lake Enfermer line by a 4-inch lateral pipeline. Applicant states that it does not intend to abandon the gathering line or terminate the gas purchase contract.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 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 file 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 Commssion on its own review of the matter finds that permission and approval for the proposed abandonment are 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.76-16345 Filed 6-4-76;8:45 am]

[Docket No. RP73-57 (PGA No. 76-2)]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Accepting and Suspending Proposed Tariff Sheets and Staying Procedures With Respect to Certain Small Producer Purchases

MAY 28, 1976.

On April 29, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing a proposed tariff sheet[1] reflecting an increase in purchased gas costs. South Texas requests that the proposed sheet go into effect on June 1, 1976. For the reasons discussed in this order the Commission will accept the proposed tariff sheet for filing, suspend its effectiveness for one day, and permit it to become effective on June 2, 1976, subject to refund.

South Texas' April 29, 1976, Purchased Gas Adjustment filing reflects an annual increase of $1,776,426 (4.38¢ per Mcf) in the cost of gas purchased from producer suppliers. The proposed tariff sheet also reflects a 2.3¢ per Mcf increase in South Texas's surcharge to clear the balance of $1,074,180 in South Texas's Unrecovered Gas Account.

Public Notice of South Texas' filing was issued on May 14, 1976, with comments, protests or petitions to intervene due on or before June 1, 1976.

The Commission's review of South Texas' filing reveals that the proposed tariff sheets reflects small producer purchases in excess of the rate levels permitted in Opinion No. 742.[2] Thus, the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the

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[1] Designated: Sixth Revised Exhibit A (Sixth Revised PGA-1) to FPC Rate Schedule No. 2.

[2] Docket No. R-393, issued August 28, 1975.

Commission will accept the proposed tariff sheet for filing and suspend its use for one day until June 2, 1976, when it may be permitted to become effective subject to refund.

With regard to the issue of the small producer purchases in excess of Opinion No. 742 rate levels, the Commission will defer establishing a hearing schedule pending Commission action on rehearing of Opinion No. 742 and the proposed rulemaking in Docket No. RM76-5.[3] Notwithstanding the deferral of a procedural schedule on the small producer issue, South Texas shall file within fifteen (15) days of the date of this order, a list of the small producers who made sales reflected in the instant filing which are in excess of the "130% formula" rates prescribed by Opinion No. 742.

Our review of increased purchased gas costs claimed by South Texas other than those associated with small producer purchases in excess of "130% formula" levels indicates that they should be approved insofar as they are in compliance with the standards set forth in Docket No. R-406. Accordingly, we shall permit South Texas to file revised tariff sheets to become effective on June 1, 1976, which reflect the costs in South Texas' filing which are in conformance with Docket No. R-406.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that South Texas' proposed tariff sheet be accepted for filing, that the effectiveness thereof be suspended for one day until June 2, 1976, when the tariff sheet shall be permitted to become effective, subject to refund, and that hearing procedures in the issue of small producer purchasers be deferred pending further Commission order.

(2) Good cause exists to require South Texas to file within fifteen (15) days of the issuance of this order a list of small producers making sales reflected in South Texas' proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

The Commission orders: (A) South Texas' proposed tariff sheet as filed on April 29, 1976, is hereby accepted for filing and the effectiveness thereof suspended for one (1) day until June 2, 1976, and until such further time as it is made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Hearing procedures regarding the justness and reasonableness of the small producer purchases in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further order of the Commission.

(C) South Texas shall file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in the South Texas' proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(D) South Texas may file a revised tariff sheet to become effective June 1, 1976, which reflects those claimed increased purchased gas costs which are other than the claimed increased costs associated with small producer purchases in excess of the rate levels prescribed by Opinion No. 742.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16340 Filed 6-4-76;8:45 am]

[3] Small Producers, Docket No. RM75-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[Docket No. CP76-370]

TENNESSEE GAS PIPELINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

MAY 27, 1976.

Take notice that on May 17, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-370 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants request authorization (a) to construct and operate offshore Louisiana 9.5 miles of 16-inch pipeline from the producer's platform in Block 367, Eugene Island Area, which is in the Ship Shoal, South Addition, Block 343 Field, to an interconnection on the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline jointly owned by Tennessee, Texas Eastern Transmission Corporation, and Texas Gas Transmission Company and (b) to exchange up to 50,000 Mcf of natural gas per day. The application states that Applicants would share the direct construction costs of the facilities and the capacity in the facilities equally and that Tennessee would construct and operate the facilities. The total construction costs are estimated to be $9,143,300, of which Natural would bear $4,216,800 and Tennessee would bear $4,926,500. Natural would finance its costs with funds on hand and Tennessee would finance its costs with general funds and/or borrowings under revolving credit agreements. The facilities would have a capacity of 100,000 Mcf of gas per day, the application states.

Applicants state that Natural has 50 percent of the purchase rights to the natural gas reserves in the Ship Shoal, South Addition, Block 343 Field from Texaco Inc. and that Tennessee is negotiating with Tenneco Oil Company for 75 percent of its 50 percent interest in the remaining gas reserves. Tennessee estimates the original recoverable proved non-associated dry gas reserves in the field to be 82,254,000 Mcf of gas and the original recoverable probable non-associated dry gas reserves occurring in a not yet fully explored segment of a proved reservoir to be 30,516,000 Mcf of gas.

Applicants propose to exchange natural gas under an agreement dated May 6, 1976. They state that Natural has the right to deliver and/or cause to be delivered and Tennessee has the obligation to receive up to 50,000 Mcf of gas per day into the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline and the Blue Water Project pipeline and that Tennessee has the right to deliver and/or cause to be delivered and Natural has the obligation to receive up to 50,000 Mcf of gas per day at points where Tennessee can deliver and/or cause the delivery of gas into the Stingray Pipeline Company system (Stingray). The delivery point for gas delivered from Natural to Tennessee would be at the interconnection of the facilities proposed in the instant application and the Eugene Island Block 349-to-Ship Shoal Block 198 pipeline and the gas which Natural would purchase from Texaco Inc. in the Ship Shoal, South Addition, Block 343 Field would be delivered to Tennessee at said point. The application states that Tennessee is presently negotiating gas supply arrangements which would enable it to deliver or cause to be delivered up to 50,000 Mcf of gas per day into the facilities of Stingray.

It is stated that the exchange agreement provides for the delivery of gas by Tennessee to Natural into the facilities of Stingray up to 12,000 Mcf per day at the outlet of measurement facilities to be located on the producer-owned platform in Block 639, West Cameron Area, offshore Louisiana, and up to 38,000 Mcf per day at the outlet of measurement facilities to be located on the producer-owned platform in Block 616, West Cameron Area, offshore Louisiana. The agreement is also said to provide for the establishment of new delivery points and for changes for volumes desired at delivery points existing at the time of the request.

The application states that to the extent that the volumes of gas delivered offshore by one party to the other would be equal, such equal monthly volumes would be considered base exchange gas, to the extent such volumes would not be equal, the party receiving the greater volume would redeliver the excess exchange gas, after adjustment for processing, to the other party at the tailgate of Mobil Oil Company's Cameron Meadows gas processing plant in Cameron Parish, Louisiana, and/or at other mutually agreed to authorized onshore points of interconnection. The agreement provides for an excess gas handling fee, which is said initially to be 10.1 cents per Mcf of gas.

Applicants state that the construction and operation of facilities and the exchange of natural gas proposed in the instant application would be beneficial

to both Applicants in that gas supplies would be made available to their respective systems without duplication of facilities. They state further that their present estimate of deliverability indicates that the instant proposal would be in compliance with the provisions of Section 2.65 of the Commission's General Policy and Interpretations (18 CFR 2.65) and would thus meet the requirement for a minimum annual load factor of 60 percent provided in paragraph (a) thereof. Applicants do, however, request the Commission to waive the applicability of paragraph (b) of Section 2.65 which provides that the Commission intends to enforce the 60 percent load factor requirement by permitting offshore pipeline facilities to be included in the cost-of-service in future rate proceedings at an average unit cost predicated upon load factors of not less than 60 percent of the annual capacity available. Applicants state that the proposal in the instant application represents a good faith effort to attach substantial volumes of new gas supplies with the minimum amount of new facilities and submit (1) that the provisions of paragraph (b) of Section 2.65 are arbitrary and impose unnecessary long-term financial risks upon Applicants, especially when the nation is confronted with an immediate and increasingly severe natural gas shortage, (2) that the mechanical application of the provisions of paragraph (b) at the present time for future years is arbitrary and unduly harsh, and (3) that the provisions of paragraph (b) should be waived because they are not in the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16355 Filed 6-4-76;8:45 am]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Intervention and Establishing Procedures

MAY 28, 1976.

On April 30, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing six revised tariff sheets[1] to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective on June 1, 1976. For the reasons given hereinbelow, the revised tariff sheets shall be accepted for filing and suspended for five months until November 1, 1976, when they shall be permitted to become effective, subject to refund.

According to Tennessee Natural, the instant filing would increase revenues from jurisdictional sales[2] by $1,005,503 annually, based upon actual experience for calendar year 1975, as adjusted for known and measurable changes through September 30, 1976. Tennessee Natural states that the proposed increase reflects: an overall rate of return of 12.17 percent, including return on equity of 14.5 percent; an increase in the average book depreciation rate to 5.84 percent; increases in taxes other than income; and increases in plant, materials, supplies, wages, and working capital.

Public notice of the instant filing was issued on May 7, 1976, with comments, protests, or petitions to intervene due on or before May 24, 1976. A notice of intervention was timely filed by the Tennessee Public Service Commission.

With respect to the proposed tariff sheets identified as —— Revised Sheet No. PGA-1, —— Revised Sheet No. PGA-2, and First Revised Sheet No. 4-A, the Commission notes that the pagination and certain other information on these sheets has been left blank. Tennessee Natural states that it will supply the subject information at the time the Company moves to make effective the proposed tariff sheets. The Commission finds that, for administrative purposes, the referenced tariff sheets are insufficient in that they fail to include all pertinent information as of the date of Tennessee Natural's filing. Accordingly, within 10 days of issuance of this order, Tennessee Natural shall be required to file, in substitution for the referenced tariff sheets, revised tariff sheets reflecting all information required as of the date of the initial filing in this docket.

The Commission's review of the instant filing indicates that the rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. Accordingly, the Commission shall accept for filing the revised tariff sheets and suspend their use for five months until November 1, 1976, when they may be permitted to become effective, subject to refund pending resolution of this proceeding.

The Commission finds: (1) Tennessee Natural's April 30, 1976 filing in the instant docket should be accepted and suspended for five months until November 1, 1976, when it should be permitted to become effective subject to refund.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures be established to determine the justness and reasonableness of the rates proposed in the instant docket by Tennessee Natural.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Section 4 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Tennessee Natural's proposed tariff changes.

(B) Within 10 days of issuance of this order, Tennessee Natural shall be required to file, in substitution for the tariff sheets designated —— Revised Sheet No. PGA-1, —— Revised Sheet No. PGA-2, and First Revised Sheet No. 4-A, revised tariff sheets reflecting all information required as of the date of initial filing in this docket.

(C) Tennessee Natural's proposed revised tariff sheets are hereby accepted for filing and suspended for five months until November 1, 1976, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 1, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever,

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[1] The revised tariff sheets are designated Second Revised Sheet No. 1, First Revised Sheet No. 2, First Revised Sheet No. 4-A, First Revised Sheet No. 4-B, —— Revised Sheet No. PGA-1, and —— Revised Sheet No. PGA-2.

[2] Tennessee Natural's only jurisdictional sale is to Nashville Gas Company of Nashville, Tennessee.

and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Tennessee Public Service Commission is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16352 Filed 6-4-76;8:45 am]

[Docket No. RP72-133 (PGA76-3)]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

MAY 27, 1976.

Take notice that on May 14, 1976, United Gas Pipe Line Company (United) tendered for filing Thirtieth Sheet No. 14 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information are being filed 45 days before the effective date of July 1, 1976, pursuant to Section 19 of United's tariff, and is in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

Copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16348 Filed 6-4-76;8:45 am]

[Docket No. ER76-693]

UTAH POWER & LIGHT CO.

Filing of Pool Agreement Service Schedule

MAY 27, 1976.

Take notice that on May 20, 1976 the Utah Power & Light Company (Utah) tendered for filing Service Schedule UTAH-1 to the seven-member Intercompany Pool Agreement (Revised), dated September 1, 1973. Utah states that the tendered schedule provides a rate comprising three components:

A. Average fuel costs
B. Other variable costs (O&M, A&G) and working capital
C. Fixed costs.

Utah requests a waiver of the notice requirements of the Commission's Regulations to allow an effective date of May 14, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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.76-16353 Filed 6-4-76;8:45 am]

[Docket No. ER76-654]

UTAH POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions and Establishing Procedures

MAY 28, 1976.

On April 29, 1976, the Utah Power & Light Company (Utah) tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately $4,500,000 (31%), based upon a test year ending December 31, 1976. For the reasons hereinafter stated, the Commission shall accept for filing and suspend the proposed tariff sheets for a period of two months, and establish hearing procedures to determine the justness and reasonableness of the proposed rates.

Utah's revised rates follow the same format as those rates presently in effect and subject to refund pending the outcome of Docket No. E-9145. Specifically, Utah proposes to supply resale service at three basic delivery voltages, each with its own rate (Schedules RS-1, RS-2, and RS-3, respectively). However, the minimum bill provisions have been changed to add ratchet provisions to the RS-1 and RS-2 rates, as well as retaining the ratchet presently in effect on the RS-3 rate. In addition, a fuel cost adjustment clause in purported compliance with Section 35.14 of the Commission's Regulations, as amended by Order No. 517, was proposed.

Public notice of Utah's filing was issued May 6, 1976 with all protests, comments or petitions to intervene due on or before May 21, 1976. Timely petitions to intervene were filed by Sierra Pacific Power Company (Sierra), Mt. Wheeler Power, Inc. (Mt. Wheeler), California Pacific Utilities Company (Cal-Pac), and Lincoln Service Corporation (Lincoln). These petitions to intervene raise a variety of challenges to the lawfulness of Utah's proposed rate increase, request that the increase be suspended for five full months, and ask that a hearing be held on the justness and reasonableness of the proposed rates. The Commission is of the opinion that intervention of each of these parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered. On May 21, 1976, the Division of Public Utilities of the Department of Business Regulation of the State of Utah (Utah PUC) filed a timely notice of intervention wherein it alleged that "parity should exist" between Utah's wholesale rates and Utah's resale rates which are under Utah PUC's jurisdiction. While the Commission believes that Utah PUC should be permitted to intervene in the instant proceedings, the Commission will exclude from the hearing herein ordered the price-squeeze issues which Utah PUC is attempting to raise pending decision by the United States Supreme Court in *Conway Corporation* v. *FPC* (certiorari granted —— US —— (1975); 44 U.S.L.W. 3270).

The Commission's review of the instant filing indicates that Utah's proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept for filing and suspend for two months Utah's proposed rates, to become effective as of August 1, 1976, subject to refund as hereinafter ordered.

The Commission finds: (1) Good cause exists to accept for filing Utah's proposed rate schedules, submitted April 29, 1976, and to suspend their operation for two months when they shall be permitted to become effective, subject to refund.

(2) It is proper and necessary in the public interest and to aid in the enforcement of the Federal Power Act that a hearing concerning the lawfulness of Utah's proposed rates be commenced.

(3) Participation by Sierra, Mt. Wheeler, Cal-Pac, Lincoln and Utah PUC in this proceeding may be in the public interest.

The Commission orders: (A) Pending a hearing and decision thereon, Utah's proposed rate schedules are hereby accepted for filing and suspended from op-

eration for two months, to become effective August 1, 1976, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the lawfulness and reasonableness of the subject rate increase.

(C) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before November 26, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) Sierra, Mt. Wheeler, Cal-Pac, Lincoln and Utah PUC are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of these intervenors shall be limited to matters, other than the "price squeeze" issue, affecting their rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Utah shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed rates filed herein, as required by Section 35.19(a) of the Commission's Regulations, 18 CFR Section 35.18(a).

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-16339 Filed 6-4-76;8:45 am]

[Docket No. ER76-689]

WEST PENN POWER CO.

Tariff Change

MAY 27, 1976.

Take notice that on May 18, 1976, the West Penn Power Company (West Penn) tendered for filing Second Revised Sheet No. 11 to FPC Electric Tariff Original Volume No. 1. West Penn states that the changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $441,726, based on the twelve-month period ending December 31, 1975. West Penn requests a proposed effective date of June 18, 1976 for this filing.

West Penn states that copies of the filing were served upon the jurisdictional customers and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 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.76-16360 Filed 6-4-76;8:45 am]

POSTAL SERVICE

ADDRESS-CORRECTION SERVICE

Temporary Increase in Fee

1. On March 3, 1976, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on a change in the fee for address-correction service. This filing was made in accordance with the December 16, 1976 opinion of the United States District Court for the District of Columbia (Sirica, J.) in the case of *Associated Third-Class Mail Users, et al. v. The United States Postal Service, et al.* (Civ. Action No. 75-1809) but without prejudice to the Postal Service's appeal from the decision in that case.

2. The specific change in the fee for address-correction service proposed by the Postal Service is shown in column (3) of the table set out in paragraph 4 below.

3. Since the Postal Rate Commission has not transmitted a recommended decision to the Governors of the Postal Service within 90 days after submission of the Postal Service's request of March 3, 1976, the Postal Service intends to place into effect at 12:01 a.m., June 13, 1976, a temporary fee for address-correction as shown in column (4) of the table set out in paragraph 4 below, under authority of 39 USC § 3641.

4. The following table shows the Postal Service's change in the fee for address-correction service for which it has requested a recommended decision.

TABLE I.—*Address-correction service*

	Current fee	Proposed full fee	Temporary fee
(1)	(2)	(3)	(4)
Fee	$0.10	$0.25	$0.13

(39 U.S.C. 401, 404, 3621, 3641)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-16410 Filed 6-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian list No. 354, May 12, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		590 kHz							
CJCW (now in operation)	Sussex, New Burnswick N. 45°41'06", W. 65°31'29".	0.5D/0.25N	DA-2	U	III				
		750 kHz							
New	Bonavista Bay, Newfoundland, N. 48°40'27", W. 53°46'23".	10	DA-2	U	II				E.I.O. May 12, 1977.
		790 kHz							
CKSO (PO 790 kHz, 10D/5N, DA-2, N. 46°25'48", W. 80°-57'19.5").	Sudbury, Ontario, N. 46°25'24", W. 80°56'13".	50	DA-2	U	III				Do.
		970 kHz							
CKCH (change in proposed daytime operation from that notified list No. 346 dated Oct. 31, 1975—PO 970 kHz, 5 kW, DA-1, N. 45°22'59", W. 75°48'47").	Hull, Quebec, N. 45°14'12", W. 75°37'-57".	50D/10N	DA-2	U	III				Do.
		1110 kHz							
CKJD (PO 1250 kHz, 1 kW, DA-2, N. 42°52'12", W. 82°23'50"—PN 1110 kHz, 10D/0.5N, DA-2).	Sarnia, Ontario, N. 42°49'49", W. 82°23'30".	10D/1N	DA-2	U	II				Do.
CHQT (PO 1110 kHz, 10 kW, DA-N, ND-D-187).	Edmonton, Alberta, N. 53°27'55", W. 113°19'50".	50	DA-N ND-D-190	U	II				Do.
		1230 kHz							
CFLN (now in operation)	Goose Bay, Newfoundland, N. 53°18'37", W. 60°17'38".	1D/.25N	ND-182	U	IV	142	120	320	
		1290 kHz							
CFRW (PO 1470 kHz, 10 kW, DA-1).	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29".	10	DA-2	U	III				Do.
		1370 kHz							
CFOK (now in operation)	Westlock, Alberta, N. 54°05'16", W. 113°52'39".	10	DA-N ND-D-190	U	III				
		1400 kHz							
New	Neepawa, Manitoba, N. 50°13'06", W. 99°29'56".	0.1	ND-180	U	IV	120	160	135-185	Do.
		1470 kHz							
CJVB (correction to coordinates).	Vancouver, British Columbia, N. 49°11'36", W. 123°01'17".	10	DA-2	U	III				Immediately.
CFRW (vide: 1290 kHz)	Winnipeg, Manitoba, N. 49°47'58", W. 97°16'29".	10	DA-1	U	III				
		1490 kHz							
New	Virden, Manitoba, N. 49°49'53", W. 100°53'38".	0.25	ND-180	U	IV	110	150	135-185	E.I.O. May 12, 1977.
		1570 kHz							
New	Brandon, Manitoba, N. 49°45'25", W. 99°57'55".	10	DA-N ND-D-188	U	II				Do.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcasting Bureau, Federal Communications Commission.

[FR Doc.76-16252 Filed 6-4-76;8:45 am]

[Report No. 808]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 1, 1976.

By the Chief, Common Carrier Bureau.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the

close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22108–CD–P–76, Chequamegon Telephone Cooperative (New), C.P. for a new 1-Way station to operate on 152.84 MHz to be located Approx. 2.6 miles Southeast of Cable, Wisconsin.

22109 CD–P–76, Answer Iowa, Inc. (New), C.P. for a new 1-Way station to operate on 152.24 MHz to be located Approx. 2 miles SSE of Ottumwa, Iowa.

22110–CD–P–76, Radio Paging of Aspen, Inc. (KUS397), C.P. to relocate facilities on 152.24 MHz to be located at White Horse Springs Road, Aspen, Colorado.

22111–CD–P–76, Radio Telephone Service, Inc. (KUD200), C.P. for additional facilities to operate on 152.06 MHz to be located at a new site described as Loc. No. 2: 3.1 miles S of Buffalo Mountain Lothair Section of Hazard, Kentucky.

22112 CD–P–(3)–76, Mobile Telecommunications Corporation (KKE968), C.P. to relocate and change antenna system operating on 454.100, 454.175, and 454.225 to be located at Mt. Franklin, 2.7 miles NNW of El Paso, Texas.

22113 CD–P–76, Morris Communications, Inc. (New), C.P. for a new station to operate on 454.275 MHz to be located at Oconee County Memorial Hospital, Seneca, South Carolina.

22114–CD–P–76, Eagle Aviation, Inc. (New), C.P. for a new 1-Way station to operate on 158.70 MHz to be located at Television Road, 1000 North Trolly Lane Road, Aiken, South Carolina.

22115–CD–P–76, Cascade Mobile Service, Inc. (New), C.P. for a new 1-Way station to operate on 158.70 MHz to be located at Moore Hill, 1 mile SW of Klamath Falls, Oregon.

22116–CD–P–76, Commercial Communications Inc. (New), C.P. for a new 1-Way station to operate on 152.24 MHz to be located at Aspen Mountain, Approximately 10 miles SSE of Rock Springs, Wyoming.

22117–CD–P–(3)–76, Radio Telephone Service, Inc., Resubmitted, C.P. for a new 1-Way station to operate on 35.22 MHz to be lo-located at 2210 Boardwalk, Atlantic City, New Jersey.

22118–CD–P–(2)–76, Commercial Communications, Inc. (KUS258), C.P. for additional facilities to operate on 454.050 and 454.350 MHz to be located at a new site described as Loc. No. 3: Aspen Mountain, Approximately 10 miles SSE of Rock Springs, Wyoming.

22119–CD–P–76, Empire Paging Corporation (KEC738), C.P. for additional facilities to operate on 454.100 MHz to be located at a new site described as Loc. No. 5: 55 Water Street, New York City, New York.

22120–CD–P–76, Empire Paging Corporation (KRS674), C.P. for additional facilities to operate on 454.150 MHz to be located at a new site described as Loc. No. 8: 55 Water Street, New York City, New York.

22121–CD–P–76, Empire Paging Corporation (KGI778), C.P. for additional facilities to operate on 454.275 MHz to be located at a new site described as Loc. No. 9: 55 Water Street, New York City, New York.

22122–CD–P–(2)–76, Telepage Corporation (KSV960), Reinstated, C.P. for expired authority to operate on 454.30 MHz located at 4527 Aicholtz Road, Mount Carmel (Loc. No. 2) and additional Control facilities to operate on 459.300 MHz (Loc. No. 3) to be located 917 W. Galbraith Road, Cincinnati, Ohio.

22123–CD–P–76, Ludlow Telephone Company (KUS336), Reinstated, C.P. for expired authority to operate on 152.78 MHz located 1.5 miles NE of Ludlow on North Hill Road, Ludlow, Vermont.

22124–CD–P–(2)–76, Eagle Aviation, Inc. (KWU205), Resubmitted, C.P. to change antenna Sys. operating on 454.125 and 454.-175 MHz located at Television Road, 1000 North Trolly Lane Road, Aiken, South Carolina.

22125–CD–P–(2)–76, Planters Rural Tel. Coop., Inc. (KRS645), Resubmitted, C.P. for additional facilities to operate on 152.54 MHz and change antenna system operating on 152.60 MHz located on Ga. Hwy. 24, 1 Block West of Georgia Hwy. 21, Newington Georgia.

Correction

22011–CD–P–76, Mobile Radio Communications, Inc. (KUC882), Correct entry previously shown on PN No. 806 dated May 17, 1976 to read as follows: C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 7: 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22029–CD–P–76, Northwest Colorado Radiophone, Inc. (New), Correct to include control facilities to operate on 72.40 MHz at Loc. No. 2: All other particulars remain the same as reported on PN No. 807, dated 5–24–76.

PUBLIC NOTICE INFORMATIVE

The processing of applications by the staff of the Mobile Services Division will be assisted by computer beginning June 1976. Gradual transition to full computerization of the processing of all incoming applications is anticipated by July this year. As a result, computerized outputs of such items as Public Notices and Station Authorizations including modifications will shortly be evident.

With the transition to computerization, construction permits and licenses will be combined into one document. This change is designed to enhance the efficiency of FCC processing procedures. It does not relieve the requirement of timely filing an application for license to cover a construction permit. Although the combination authorization is designed to serve either as a construction permit or as a license during the period identified on the document itself, it is not both construction permit and license at the same time. Furthermore, even though a construction permit may contain a license expiration date, the document is not considered a license until the applicant has filed for such in accordance with established procedures and the Commission grants the request. If upon filing for a license, there is no modification in a facility that requires a change in the authorization, the Commission will normally sanction the original document as license without notification to the applicant.

The new format for radio station authorization will incorporate various changes in the information presently shown on existing construction permits and licenses. All references to transmitter type and power have been deleted. The authorization, however, will include the mounting position of an antenna on a tower structure and the maximum effective radiated power from that antenna. For computer programming convenience, transmitters, antennas, and certain locations will be assigned numbers for identification purposes. In view of these changes, the Commission again cautions that current regulatory procedures remain unchanged.

During computer transition new authorizations will be forwarded to supersede existing documents.

RURAL RADIO

60351–CR–P/L–76, Continental Telephone Company of The West (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz to be located; RS: Minerals Recovery Corporation 40 miles WNW of Monticello, Utah.

Correction

Correct entry previously shown on PN No. 806, dated May 17, 1976 to read as follows: 60341–CR–P/L–76, the Mountain States Telephone and Telegraph Company (New), C.P. for a new Rural Subscriber station to operate on 157.77 MHz to be located 5.3 miles East-Southeast of Bitter Creek, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

3948–CF–P–76, N-Triple-C, Inc. (WOH43), 1700 Farnam Street, Omaha, Nebraska. Lat. 41°15′30″ N., Long. 95°56′20″ W. C.P. to add transmitter and to add 5974.8H, 6093.-5H, and 6152.8H toward Bentley, Iowa.

3949–CF–P–76, Same (WOH44), 4.5 Miles ENE of Bentley, Iowa. Lat. 41°24′35″ N., Long. 95°31′04″ W. C.P. to add transmitter and to add 6226.9V, 6345.5V, and 6404.8V toward Omaha, Nebraska; 6226.9H, 6286.2H, 6345.5H, and 6404.8H toward Lewis, Iowa.

3950–CF–P–76, Same (WOH45), 5 Miles East of Lewis, Iowa. Lat. 41°18′08″ N., Long. 95°00′11″ W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Bentley, Iowa; 6034.2H, 6093.5H, and 6152.-8H toward Casey, Iowa.

3951–CF–P–76, Same (WOH46), 5.25 Miles SSE of Casey, Iowa. Lat. 41°26′18″ N., Long. 94°29′21″ W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Lewis, Iowa; 6226.9H, 6286.2H, 6345.5H, and 6404.8H toward Adel, Iowa.

3952–CF–P–76, Same (WOH47), 3 Miles SW of Adel, Iowa. Lat. 41°36′12″ N., Long. 94°02′53″ W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Casey, Iowa; 6034.2H, 6093.5H, and 6152.8H toward Des Moines, Iowa.

3593–CF–P–76, Same (WOH48), 2.3 Miles SW of Des Moines, Iowa. Lat. 41°36′51″ N., Long. 93°29′05″ W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Adel, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Reasnor, Iowa.

3954–CF–P–76, Same (WOH49), 2.5 Miles NNE of Reasnor, Iowa. Lat. 41°36′27″ N., Long. 93°00′30″ W. C.P. to add 6034.2V, 6093.5V, and 6152.8V toward Des Moines, Iowa; and 6034.2H, 6093.5H, and 6152.8H toward Malcom, Iowa.

3955–CF–P–76, Same (WOH50), 2.5 Miles NW of Malcolm, Iowa. Lat. 41°44′47″ N., Long. 92°34′21″ W. C.P. to add 6286.2V, 6345.5V, and 6404.8V toward Reasnor, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Williamsburg, Iowa, and to add transmitter.

3956–CF–P–76, Same (WOH51), 4.5 Miles WSW of Williamsburg, Iowa. Lat. 41°39′34″ N., Long. 92°05′43″ W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Malcom, Iowa; 6034.2H, 6093.5H, and 6152.8H toward Iowa City, Iowa.

3957–CF–P–76, Same (WOH52), 1.5 Miles NE of Iowa City, Iowa. Lat. 41°40′24″ N., Long. 91°28′31″ W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Williamsburg, Iowa; 6286.2H, 6345.5H, and 6404.8H toward Muscatine, Iowa.

3958–CF–P–76, Same (WOH53), 5 Miles NE of Muscatine, Iowa. Lat. 41°27'34'' N., Long. 91°00'26'' W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Iowa City, Iowa; 6034.2V, 6093.5V and 6152.8V toward Davensport, Iowa.

3959–CF–P–76, N-Triple-C, Inc. (WOH54), 2 Miles NE of Davenport, Iowa. Lat. 41°34'-28''N., Long. 90°29'04''W. C.P. to add transmitter and to add 6286.2V, 6345.5V, and 6404.8V toward Muscatine, Iowa; and 6286.2H, 6345.5H, and 6404.8H toward Clinton, Iowa.

3960–CF–P–76, Same (WOH55), 10 Miles NNW of Clinton, Iowa. Lat. 41°56'18''N., Long. 90°15'11'' W. C.P. to add transmitter and to add 6034.2V, 6093.5V, and 6152.8V toward Davenport, Iowa.; 5945.2H, 6034.2V, and 6093.5V toward Sterling, Illinois.

3961–CF–P–76, Same (WOH56), 5.0 Miles NNW of Sterling, Illinois. Lat. 41°51'06''N., Long. 89°44'43''W. C.P. to add transmitter and to add 6226.9V, 6315.9H, 6345.5V, and 6375.2H toward Clinton, Illinois; and 6226.9H, 6286.2H, 6345.56, and 6404.08H toward Oregon, Illinois.

3962–CF–P–76, Same (WOH57), 2.0 Miles NE of Oregon, Illinois. Lat. 42°02'25''N., Long. 89°18'50''W. C.P. to add transmitter and to add 6004.5V, 6063.8V, 6093.5H, toward Sterling, Illinois; and 6034.2H, 6063.8V, and 6093.5H toward De Kalb, Illinois.

3963–CF–P–76, Same (WOH58), 4.5 Miles SW of De Kalb, Illinois. Lat. 41°52'44''N., Long. 88°48'31''W. C.P. to add transmitter and to add 6256.5V, 6315.9V, and 6375.2V toward Oregon, Illinois; 6286.2H, 6345.5H, and 6404.8H toward Lily Lake, Illinois.

3964–CF–P–76, Same (WOH59), 1.8 Miles North of Lily Lake, Illinois. Lat. 41°58'20''-N., Long. 88°28'25''W. C.P. to add transmitter and to add 5945.2H, 6004.5H, 6063.-8H, and 6123.1H toward De Kalb, Illinois; and 6004.5V, 6063.8V, and 6093.5H toward Glendale, Illinois.

3965–CF–P–76, Same (WOH60), 1.5 Miles NW of Glendale, Illinois. Lat. 41°54'24''N., Long. 88°06'39''W. C.P. to add transmitter and to add 6256.5V, 6315.9V, and 6375.2V toward Lily Lake, Illinois; 6286.2H, 6345.5H, and 6404.8H toward Chicago, Illinois.

3966–CF–P–76, Same (WOH61), 875 North Michigan Avenue, Chicago, Illinois. Lat. 41°53'56''N., Long. 87°37'24''W. C.P. to add transmitter and to add 6034.2H, 6093.5H, and 6152.8H toward Glendale, Illinois.

3840–CF–P–76, Southwestern Bell Telephone Company (KTQ97), 1408 Broadway, Lubbock, Texas. Lat. 33°35'06'' N., Long. 101°51'01'' W. C.P. to add frequency 4110.0V MHz toward Slaton, Texas, on azimuth 110.7°.

3841–CF–P–76, Same (KTQ98), 5.4 Miles NE of Slaton, Texas. Lat. 33°29'46'' N., Long. 101°34'13'' W. C.P. to add frequency 4010H MHz toward Lubbock, Texas, on azimuth 290.8°.

3842–CF–P–76, South Central Bell Telephone Company (KJG78), 210 Northside Street, Tuskegee, Alabama. Lat. 32°25'27'' N., Long. 85°41'33'' W. C.P. to change frequencies 6219.5V, 6338.1V MHz to 6197.2V, 6315.9V MHz toward Opelika, Alabama, on azimuth 52.14°; replace antennas, transmitters, and increase power output.

3843–CF–P–76, Same (KJG79), Cherry Avenue, Opelika, Alabama. Lat. 32°37'58'' N., Long. 85°22'29'' W. C.P. to change coordinates, change frequencies 5937.8V, 6056.4V MHz to 5945.2V, 6063.8V toward Tuskegee, Alabama on azimuth 232.31°; replace transmitters and increase power output.

3852–CF–P–76, United Telephone Company of Missouri (KYO88), Clinton, 510 feet West of Clinton City limits, Missouri. Lat. 38°22'24'' N., Long. 93°47'41'' W. C.P. to add points of communication on frequencies 2110.8H MHz toward Appleton City, Missouri, on azimuth 225.5°; 2118.2V MHz toward Deepwater, Missouri, on azimuth 171.0°; and 2129.0V MHz toward Montrose, Missouri, on azimuth 231.8°.

3853–CF–P–76, Same (NEW), Seventh & Locust Street, Appleton City, Missouri. Lat. 38°11'40'' N., Long. 94°01'30'' W. C.P. for a new station on frequency 2160.8H MHz toward Clinton, Missouri, on azimuth 45.3°.

3854–CF–P–76, Same (NEW), 2nd and C Streets, Deepwater, Missouri. Lat. 38°15'38'' N., Long. 93°46'19'' W. C.P. for a new station on frequency 2168.2V MHz toward Clinton, Missouri, on azimuth 351.0°.

3855–CF–P–76, Same (NEW), 3rd Street and Missouri Avenue, Montrose, Missouri. Lat. 38°15'25'' N., Long. 93°58'56'' W. C.P. for a new station on frequency 2179.0V MHz toward Clinton, Missouri, on azimuth 51.7°.

3889–CF–R–76, South Central Bell Telephone Company (KZS92), Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring July 1, 1976. Term: July 1, 1976 to July 1, 1977.

3905–CF–P–76, New England Telephone & Telegraph Company (KSW23), 59 Park Street, Bangor, Maine. Lat. 44°48'16'' N., Long. 68°46'16 W. C.P. to replace transmitters and increase power output for frequencies 11305.0H, 11465.0H, 11625.0H MHz toward Holden, Maine.

3389–CF–P–76, Eastern Microwave, Inc. (WBA 772), 0.8 Mile N of Mountain Top, Pennsylvania. Lat. 41°10'57'' N., Long. 75°52'23'' W.: Construction permit to add 5974.8V MHz toward Pimple Hill, Pennsylvania, via power split, on azimuth 119.1°.

3870–CF–P–76, Mountain Microwave Corporation (KOB 37), 2 Miles SW of Golden, Colorado. Lat. 39°43'54'' N., Long. 105°14'58'' W.: Construction permit to add 1138.5H MHz toward Lakewood (CATV), Colorado, on azimuth 100.0°.

3906–CF–P–76, New England Telephone & Telegraph Company (KCO98), 2.1 miles West of East Holden, Maine. Lat. 44°44'11'' N., Long. 68°40'16'' W. C.P. to change frequency 10955.0H to 6345.5V MHz toward Medford, Maine; replace transmitters and increase power output for this frequency and for 10735.0H, 10895.0H, 11055.0H MHz toward Bangor, Maine.

3907–CF–P–76, Same (KNY53), 2.6 miles SW of Medford Center, Maine. Lat. 45°14'13'' N., Long. 68°52'50'' W. C.P. to change frequencies 11405.0H to 6093.5V MHz toward Holden, Maine, and 11685.0V, 6093.5H MHz toward Lincoln, Maine; replace transmitters and increase power output.

3908–CF–P–76, Same (KOY66), 5.6 miles NE of Lincoln, Maine. Lat. 45°25'13'' N., Long. 68°24'59'' W. C.P. to change frequencies 10955.0V to 6345.5V MHz toward Danforth, Maine, and 10755.0V to 6345.5H MHz toward Medford, Maine; replace transmitters and increase power output.

3909–CF–P–76, Same (KYO67), 2.9 Miles SW of Danforth, Maine. Lat. 45°38'00'' N., Long. 67°54'54'' W. C.P. to change frequencies 11405.0V to 6093.5V MHz toward Lincoln, Maine, and 11685.0H to 6093.5H MHz toward Linneus, Maine; replace transmitters and increase power output.

3910–CF–P–76, Same (KYO68), 4.1 Miles NW of Linneus, Maine. Lat. 46°05'22'' N., Long. 68°00'04'' W. C.P. to change frequencies 10755.0H to 6345.5H MHz toward Danforth, Maine, and 10955.0H to 6345.5V MHz toward Westfield, Maine; replace transmitters and increase power output.

3911–CF–P–76, Same (KYO69), 4.3 Miles South of Westfield, Maine. Lat. 46°30'35'' N., Long. 67°56'16'' W. C.P. to change frequencies 11405.0H to 6093.5V MHz toward Linneus, Maine, and 11445.0V to 6063.8H MHz toward Presque Isle, Maine; replace transmitters and increase power output.

3912–CF–P–76, Same (KYO70), 1 Mile NE of Presque Isle, Maine. Lat. 46°41'16'' N., Long. 67°59'35'' W. C.P. to change frequency 10955.0V to 6315.9H MHz toward Westfield, Maine; replace transmitters and increase power output.

3918–CF–R–76, Southern Bell Telephone and Telegraph Company (KJA75), Location: Within the territory of the grantee. Application for Renewal of Radio Station License (Developmental) expiring June 14, 1976. Term: June 14, 1976 to June 14, 1977.

3921–CF–P–76, The Mountain States Telephone & Telegraph Company (KPC70), Mingus Mountain, 7.5 miles South of Jerome, Ariz. Lat. 34°41'12'' N., Long. 112°-06'59'' W. C.P. to add a point of communication on frequency 2115.2V MHz toward a new station at Camp Verde, Arizona, on azimuth 119.6°.

3922–CF–P–76, Same (NEW), Lane & Third Street, Camp Verde, Arizona. Lat. 34°33'50'' N., Long. 111°51'20'' W. C.P. for a new station on frequency 2165.2V MHz toward Mingus Mountain, Arizona on azimuth 299.7°.

[FR Doc.76–16251 Filed 6–4–76;8:45 am]

[Docket No. 20649; RM–2531]

FOREIGN STATIONS

Non-Interconnected Distribution of TV Programming; Order Extending Time for Filing Comments and Reply Comments

In the matter of applicability of section 325(b) of the Communications Act to noninterconnected distribution of television programming to certain foreign Stations.

1. The Commission herein considers a "Joint Request for Extension of Time" filed on May 21, 1976, on behalf of Capital Cities Communications, Inc. (Capital Cities), licensee of television station WKBW–TV, Buffalo, New York, and Taft Broadcasting Co. (Taft), licensee of WGR–TV, also in Buffalo, which seeks an extension of time up to and including June 29, 1976, in which to file comments in response to a Notice of Inquiry[1] adopted by the Commission in the above-captioned proceeding. Filing deadlines for comments and replies are presently May 28, 1976, and June 28, 1976, respectively. An "Opposition to Joint Request for an Extension of Time" was filed on May 24, 1976, by United Community Antenna Systems, Inc., Community Telecable of Seattle, Inc. and TeleVue Systems, Inc. (United). See also 41 FR 18917, May 7, 1976.

2. Capital Cities asserts in support of the requested extension that it has recently received a preliminary draft of an economic analysis which, it avers, indicates the existence of a relationship between the issues in this proceeding and those which involved United States border broadcasters and the United States and Canadian governments concerning television broadcasting in Canada. Capital Cities says, however, that it will not be possible for the economic study to be completed and appropriate comments submitted by May 28, 1976. As a further justification of its request, Capital Cities

[1] 40 Fed. Reg. 50309, October 29, 1975.

suggests that the exact relationship between the issues in this proceeding and "the Canadian problem" may well be affected by deliberations presently underway in the Canadian Senate. The petitioners urge that the extension of time should be granted in order that comments on any relevant developments arising from those deliberations may be included in the record.

3. In opposing the extension, United asserts that Capital Cities and Taft have set forth no reasons why the economic analysis could not have been completed in time for filing on May 28, 1976. Further, says United, the relief sought by Capital Cities has previously been denied and there is no additional showing as to why the extension is now necessary. With regard to the Canadian Senate, United suggests that if those deliberations produce any results, they can be discussed in reply comments, or a subsequent request for leave to file additional material can be filed if those deliberations have not been completed by the time reply comments are due. Finally, United asserts, the granting of an extension of time will jeopardize the likelihood of making meaningful progress in the Canadian prerelease matter within the time period set by the United States Court of Appeals for the District of Columbia Circuit.[2]

4. While we are quite aware of the existence of the cited judicial order, the Commission considers the availability of relevant economic studies to be of substantial importance in the resolution of the many complex issues to be considered in this proceeding and we are therefore disposed to grant the requested extension in order that the present preliminary economic data referred to by Capital Cities and Taft in the joint request may be incorporated in the appropriate comments and filed with the Commission in final form. However, inasmuch as the parties have had what we believe to be a more than adequate amount of time for the preparation and filing of comments, we wish to indicate that no further requests for extensions of time will be entertained in connection with this proceeding. As for the Canadian Senate deliberations and the suggestion that developments relevant to this proceeding may occur in the course of those deliberations, our action in extending the filing deadlines will allow for the filing of comments if those developments occur prior to June 29, 1976. We believe this approach to be more preferable than that suggested by United. In the event that the Canadian deliberations yield relevant developments after the expiration of the filing deadlines, the Commission will utilize whatever appropriate procedures are necessary for the limited purpose of obtaining any pertinent information.

[2] In *KIRO* v. *F.C.C.*, Nos. 75-1233 and 75-1390, two cases involving Canadian prerelease and the domestic cable carriage of Canadian television programming, the Court of Appeals deferred decision for a period of six months to August 17, 1976, pending the completion of this Inquiry.

5. Accordingly, it is ordered, That the deadlines for the filing of comments and reply comments in Docket No. 20649 are extended from May 28, 1976, and June 28, 1976, respectively, to and including June 29, 1976, and July 16, 1976, respectively.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: May 27, 1976.

Released: June 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-16389 Filed 6-4-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 3 Through May 7, 1976

Notice is hereby given that during the week of May 3 through May 7, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER, LOS ANGELES, CALIF., FEA-0805, FREEDOM OF INFORMATION

The Department of Water and Power of the City of Los Angeles (LADWP) submitted an Appeal from an Order issued to it by the Information Access Officer of the FEA. In that Order, the Information Access Officer granted a Request for Information which the LADWP had filed under the Freedom of Information Act, and released a copy of a Remedial Order which the FEA had issued to Coastal States Gas Corporation (Coastal States). However, an Attachment to the Remedial Order was withheld from disclosure on the basis of a determination that it fell within the exemptions in the Act. In considering LADWP's Appeal, the FEA determined that the Attachment was properly found to be exempt from mandatory public disclosure pursuant to the provisions of 5 U.S.C. 552(b)(4). In the Decision which it issued, the FEA held that the information contained in the Attachment is confidential commercial and financial information which, if released to the public, could clearly cause substantial damage to Coastal States' competitive position. The FEA also concluded that although LADWP might receive some assistance from that information in attempting to verify the legality of the prices which it has been charged, the competitive damage which Coastal States would almost certainly experience if the cost and revenue data in the Attachment were released outweighs the possible benefit to LADWP. The FEA therefore denied the LADWP Appeal.

GUAM OIL & REFINING CO., INC., DALLAS, TEX., FEA-0705, REFINED PETROLEUM PRODUCTS

The Guam Oil & Refining Co., Inc. (Gorco) filed an Appeal from a Decision and Order in which the FEA denied an Application for Exception which the firm had previously submitted. Guam Oil & Refining Co., Inc., 3 FEA Par. 83,026 (November 28, 1975). In the exception decision, the FEA denied Gorco's request that it be permitted to regard the covered products which it sells to the Defense Fuel Supply Center (DFSC) as products which are exempt from the FEA Price Regulations. However, the FEA also found that the financial and operating data which Gorco furnished indicated that the firm's May 1973 operating expenses exceeded its May 15, 1973 gross margin. Exception relief was therefore granted which permitted Gorco to adjust its May 15, 1973 refinery profit margin per barrel to historical levels. Gorco's Appeal, if granted, would permit the firm to regard the covered products which it sells to the DFSC as exempt from the FEA price regulations or, in the alternative, to compute its maximum allowable prices on the basis of its July 1, 1973 selling prices rather than its May 15, 1973 selling prices as adjusted pursuant to the exception decision.

In considering Gorco's Appeal, the FEA determined that the firm had failed to present any convincing arguments in its exception request or on appeal which supported its contention that its sales to the DFSC should be exempt from the FEA Price Regulations. The further conclusion was reached that Gorco had also failed to demonstrate that the historical period used as the basis for the exception relief granted was inappropriate as an index of its historic level of operations.

However the FEA sustained the firm's contention that the exception relief previously granted was insufficient to permit the firm to achieve its historic refinery profit margin. The FEA found that Gorco's May 1973 refinery profit margin as stated in the exception decision was derived from an erroneous calculation of the firm's operating expenses which failed to reflect the full amount by which such expenses exceeded Gorco's May 1973 gross margin. The FEA therefore adjusted the exception relief granted to correct for the error. However, since the firm's method of inventory valuation had changed from FIFO to LIFO during the historical period used, the adjustment was reduced to reflect this change. The FEA further determined that Gorco's claim that the exception relief granted did not take into account the increased non-product costs which the firm has been unable to recover was not a proper ground for reversing the previous determination. The FEA noted that Gorco had never raised this issue in its exception application and that the matter was not germane to the Appeal proceed-

ing. Finally, the FEA determined that Gorco had failed to demonstrate that it would experience a severe irreparable injury in the absence of retroactive exception relief and therefore denied the firm's request that the relief be made retroactive.

PETROCHEMICAL ENERGY GROUP, WASHINGTON, D.C., FEA—0708, NATUURAL GAS LIQUIDS

The Petrochemical Energy Group (PEG) appealed from a Decision and Order issued to the Commonwealth Natural Gas Corporation (Commonwealth). In the Commonwealth Decision, an Application for Assignment which the firm had submitted was approved and it was allocated butane for use as a feedstock in a synthetic natural gas (SNG) plant which it operates in Chesapeake, Virginia. In its Appeal, PEG contended that the Order contravened established FEA policy concerning the allocation of SNG feedstocks. Although the FEA found that it was an error to have permitted natural gas to be supplied to end-users which possess alternate fuel capability on a continuing basis, the FEA determined that since the term of the assignment order had lapsed, a modification of the current Order was unnecesary. However the FEA directed that the extent of service provided by Commonwealth's customers to such end-users be carefully considered in determining the appropriate quantity of feedstock to be assigned to Commonwealth in any future allocation order. In considering the remaining arguments made by PEG, the FEA determined that: (i) the previous order was not erroneous solely because it did not require Commonwealth to immediately implement a program of full incremental pricing; (ii) no showing had been made that the SNG produced at the Chesapeake plant would be used by Commonwealth for growth purposes; (iii) there will be no significant environmental impact associated with the continued operation of the Chesapeake SNG plant. The Appeal was therefore denied.

POTOMAC GAS CO., WASHINGTON, D.C., FMR—0038, PROPANE

Potomac Gas Company appealed from a Decision and Order which granted the firm prospective exception relief from the provisions of 10 CFR 212.93, but denied its request for retroactive relief. Potomac Gas Co., 3 FEA Par. 83,028 (November 28, 1975). The Appeal, if granted, would make the exception relief approved retroactive to November 1, 1973 and thereby relieve Potomac of its obligation under a Remedial Order issued to it by the FEA Region III to refund a portion of the revenues which it realized in the past by charging its customers unlawful prices for propane. In considering the Appeal, the FEA noted that the relief approved in the initial Decision was not designed to eliminate the general operating losses which Potomac had experienced, nor to permit the firm to attain a favorable competitive position, but rather to ensure that the restitution which Potomac is required to make for its past pricing violations does not unnecessarily frustrate the firm's present efforts to establish its marketing operations on a sound financial basis. The FEA concluded that Potomac failed to submit any new evidence or arguments in support of its Appeal which refuted the previous determination that retroactive exception relief is not warranted. That portion of the Appeal was therefore denied. However, the FEA also determined that in view of Potomac's currently weak financial condition, the Remedial Order which was issued to the firm by FEA Region III should be modified to permit Potomac to make restitution to its residential customers through prospective price reductions over an extended period of time rather than through immediate cash payments.

VARIBUS CORP., BEAUMONT, TEX., FEA—0806, FREEDOM OF INFORMATION

Varibus Corporation (Varibus) appealed from an Order in which the FEA denied a Request for Information filed by the firm under the Freedom of Information Act, 5 U.S.C. 552. In that Request, Varibus sought copies of all opinions and memoranda which discuss the applicability of the FEA Mandatory Petroleum Price Regulations to transactions between a wholly-owned subsidiary corporation and its parent corporation. In the Order which he issued, the FEA Information Access Officer determined that five documents were found which related to inter-company transactions of this type, but that all five documents were intra-agency memoranda or letters which were exempt from mandatory disclosure under the fifth exemption in the Act. In its Appeal, Varibus contended that the requested documents should be released pursuant to the Decision of the U.S. Supreme Court in *National Labor Relations Board* v. *Sears, Roebuck & Co.*, 421 U.S. 132 (1975). In denying the Appeal, the FEA determined that the requested documents were intra-agency memoranda which did not yet express effective FEA law and policy, but represented an ongoing process through which policy decisions were being formulated. Thus, contrary to Varibus' claim, the memoranda did not express the effective policy of the agency, and were properly found to be exempt from disclosure under the Act. The Varibus Appeal was therefore denied.

REQUESTS FOR EXCEPTION

COMMONWEALTH OIL REFINING CO., PENUELAS, PUERTO RICO, FEE—2248, NAPHTHA

The Commonwealth Oil Refining Company, Inc. (CORCO) filed an Application for Exception from the provisions of the Old Oil Entitlements Program which, if granted, would permit CORCO to earn entitlements for the naphtha which it imports and uses in its aromatics plant to produce covered products. CORCO contended that its principal competitors in the sales of those products use crude oil as a feedstock to produce naphtha, which unlike CORCO's imported naphtha, receives the benefit of the cost equalization features of the Old Oil Entitlements Program. According to the CORCO submission, the high-cost imported naphtha constitutes one-half of the feedstock requirements of its aromatics plant and consequently CORCO claimed that its feedstock costs are significantly above those of its mainland competitors, placing it at a severe competitive disadvantage. In reviewing the origins of CORCO's difficulties, the FEA pointed out that CORCO had invested in refining and petrochemical operations in Puerto Rico in reliance on economic incentives which were provided by the United States and Puerto Rican governments. These incentives led the firm to design its aromatics plant to use substantial volumes of imported naphtha feedstock. In contrast to the situation which CORCO encounters, almost all domestic refiners which operate naphtha reformers are able to produce naphtha from crude oil in their refineries in amounts sufficient to operate their reforming units and have therefore historically imported very little naphtha. The FEA found that CORCO's substantial reliance on imported naphtha had resulted in a significant cost disadvantage which has had severe adverse effects on the firm's ability to effectively market the covered products which it produces.

As a result, CORCO has been experiencing significant losses in the operation of its aromatics plant. These losses have contributed substantially to serious financial losses which the firm as a whole has incurred under the two-tier crude oil pricing structure, forcing CORCO to reduce the amount of naphtha it imports and to operate its aromatics plant far below normal operating levels. Moreover, the data submitted by CORCO demonstrated that it was unable to operate its aromatics plant at a profit even at these reduced levels and the deterioration of CORCO's financial position was so severe as to place CORCO in imminent danger of defaulting on its outstanding financial obligations. The FEA therefore concluded that, as a result of the Entitlements Program, CORCO is unable to effeffectively compete in the U.S. mainland markets where it has traditionally sold its products and that the competitive disadvantage which it is experiencing because of its dependence on imported naphtha feedstock is resulting in a serious financial hardship which threatens the firm's continued operations. In view of these circumstances, and the severe impact on the Puerto Rican economy which would occur if CORCO were forced to curtail its operations, the FEA determined that exception relief should be granted which will permit CORCO to earn entitlements for the naphtha which which it imports and uses as a feedstcok in its aromatics plant.

KERR-M'GEE CORP., OKLAHOMA CITY, OKLA., FEE—2040, REFINED PETROLEUM PRODUCTS

The Kerr-McGee Corporation (Kerr-McGee) filed an Application for Exception related to the activities of the parent firm and its wholly-owned subsidiaries, Triangle Refineries, Inc. (Triangle),

Southwestern Refining Co., Inc., Kerr-McGee Refining Corporation and the Cotton Valley Solvents Co. The exception request, if granted, would permit each of its subsidiaries to allocate increased costs and determine maximum allowable prices on the basis of the subsidiary's operations alone rather than on a consolidated basis as required by the FEA regulations. Kerr-McGee also requested that the exception relief be made retroactive to August 1973.

In the alternative, Kerr-McGee requested exception relief which, if granted, would: (i) retroactively permit the firm to allocate its increased crude oil costs on the basis of the subsidiaries' refinery yields rather than on the basis of total sales; and (ii) prospectively and retroactively permit the firm to treat each of its subsidiaries as a separate entity for purposes of applying the requirements of 10 CFR 212.83(e)(8) that price increases be applied equally among all classes of purchaser of a particular product.

In considering Kerr-McGee's request that each of its subsidiaries be treated as a separate entity for purposes of the Mandatory Petroleum Price Regulations, the FEA determined that: (i) Kerr-McGee and its wholly-owned subsidiaries constitute a single firm under the provisions of 10 CFR 212.82 and are therefore required to aggregate product and non-product costs in determining the firm's maximum allowable selling prices; (ii) Kerr-McGee failed to present convincing evidence that its subsidiaries had historically maintained separate and distinct operations; accordingly, exception relief was not warranted on the basis of the precedent established in Getty Oil Co. (Eastern Operations), Inc., Skelly Oil Co., 2 FEA Par. 83,041 (February 11, 1975); and (iii) Kerr-McGee failed to otherwise demonstrate that the requirement that the subsidiaries determine maximum selling prices in a consolidated manner resulted in a serious hardship or gross inequity to the firm. The FEA therefore denied this portion of Kerr-McGee's request.

With respect to Kerr-McGee's alternative request for retroactive exception relief from the crude oil cost allocation provisions of 10 CFR 212.83(c)(2), the FEA determined that: (i) Section 212.83(c)(2) was promulgated to ensure the allocation of a representative proportion of costs among the various categories of covered products; and (ii) as a result of unusually large purchases of gasoline for resale by one of Kerr-McGee's subsidiaries, the firm was required, prior to February 1, 1976, to allocate its increased crude oil costs in a grossly disproportionate manner and was consequently required to absorb a substantial portion of those costs. On the basis of those findings the FEA determined that prior to February 1, 1976, the crude oil cost allocation provisions of Section 212.83(c)(2) resulted in a gross inequity to Kerr-McGee. The FEA further determined that retroactive exception relief was warranted in this case on the grounds that: (i) such relief was the only procedural mechanism now available to Kerr-McGee to rectify this gross inequity; (ii) in the absence of retroactive relief, Kerr-McGee's earnings during 1976 would be negligible in comparison to its historic operating posture and the firm might be required to operate its petroleum related activities at a loss; and (iii) convincing evidence was presented which indicated that Kerr-McGee had previously submitted an Application for Exception requesting similar relief, but that Application was never actually received by the FEA. The FEA therefore granted Kerr-McGee retroactive exception relief from the crude oil cost allocation provisions of Section 212.83(c)(2) for the period June 28, 1974 through January 31, 1976.

With respect to Kerr-McGee's request for prospective exception relief from the provisions of Section 212.83(e)(8), the FEA determined that Kerr-McGee had failed to demonstrate that (i) the firm's financial and operating posture would be significantly impaired in the absence of this relief; and (ii) the firm was otherwise experiencing a serious hardship or gross inequity as a result of the provisions of the equal application rule. In considering Kerr-McGee's request for retroactive relief from the requirements of Section 212.83(e)(8), the FEA determined that since Kerr-McGee had failed to demonstrate that prospective exception relief would have been granted if the Application for Exception had been submitted in a timely manner, the firm's argument that retroactive relief was warranted was without merit. On the basis of these findings, Kerr-McGee's requests for prospective and retroactive exception relief from the requirements of the equal application rule were denied.

QUINCY OIL, INC., QUINCY, MASS., FEE-2212, NO. 6 FUEL OIL

Quincy Oil, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit the firm to charge the Taunton Municipal Lighting Plat (Taunton) prices for No. 6 fuel oil which are in excess of the maximum levels permitted under Section 212.93. Quincy also requested that the exception relief be approved retroactively to November 1, 1973. In its Application, Quincy contended that unless exception relief were approved, on both a prospective and retroactive basis, its continued economic viability as an independent marketer would be seriously jeopardized. In making a determination on Quincy's request for prospective exception relief, the FEA noted that, pursuant to recently promulgated regulatory amendments, residual fuel oil will be exempt from the requirements of the FEA regulations as of June 1, 1976. The FEA concluded that Quincy had failed to submit any data which demonstrated that its operations would be seriously affected if exception relief were not granted for the period prior to that date. The FEA also concluded that Quincy's request for retroactive exception relief should be denied since the firm had failed to present compelling reasons why retroactive relief was warranted or why it would experience a severe irreparable injury in the absence of such relief. Although the firm contended that any violations which may have occurred in selling fuel oil to Taunton were not willful, the FEA affirmed the fact that Quincy, like all firms in the petroleum industry, has a responsibility to become aware of its obligations under the Mandatory Petroleum Allocation and Price Regulations and to conform its operations and practices to assure compliance with those regulatory requirements. The FEA stated that Quincy could not rely upon its failure to fulfill this obligation as a valid basis for the approval of the relief it requested. See, *Carlos R. Leffler, Inc.* v. *Federal Energy Administration*, Civ. No. 75-1689 (D.D.C. February 20, 1976). The FEA also found that Quincy had failed to demonstrate that its continued viability would be seriously endangered in the absence of retroactive exception relief because the firm had adequate financial resources to refund the overcharges involved. Quincy's Application for Exception was therefore denied.

SHELL OIL CO., HOUSTON, TEX., FEE-2287, FEE-2293, FEE-2297, NATURAL GAS LIQUIDS

The Shell Oil Company filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit Shell to increase the prices which it charges for natural gas liquids and natural gas liquid products at three of its gas plants above the maximum levels permitted under Subpart K of the FEA Madatory Petroleum Price Regulations. In considering these applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that its non-product costs since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. See Superior Oil Company, 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to these three plants and granted Shell exception relief for those plants for the period May 6, 1976 through June 30, 1976. The FEA also found that Shell's request that exception relief for the three plants be granted retroactive to July 1, 1975 was unsupported by any evidence that the firm's continued operation will be placed in jeopardy in the absence of such relief and therefore denied that portion of Shell's request.

SHELL OIL CO., HOUSTON, TEX., FEE-2352, CRUDE OIL

Shell Oil Company (Shell) requested an exception from the provisions of Section 211.67 which, if granted, would permit the firm to file amended entitlements reports (Forms FEA-P-102-M-O) for the period November 1974 through September 1975 and would also permit the firm to receive an adjustment in its entitlement purchase obligations to reflect its overstatement of old oil receipts which it reported to the FEA for that period.

Shell indicated in its submission that as a result of various inadvertent reporting errors, it had been required to purchase entitlements at a cost of approximately $22 million in excess of the cost which it should have incurred. In considering its Application, the FEA noted that on April 1, 1976, subsequent to the date on which Shell filed its Application for Exception, Section 211.67 was amended to provide a special procedure to resolve reporting errors which occurred during the period November 1974 through August 1975. Under this new procedure a refiner may correct errors which occurred during that period merely by filing amended reports. The amended provisions of Section 211.67 also removed the general two month limitation formerly applicable to the filing of amended reports so that commencing in April 1976, a refiner may correct erorrs for any prior month by filing an amended report for that month at any time. Consequently, the FEA determined that exception relief is unnecessary since Shell may now correct its reporting errors for the entire period from November 1974 through September 1975 by filing amended reports with the FEA in accordance with these new procedures, and Shell's Application for Exception was dismissed.

WASHINGTON COUNTY, OREG., HILLSBORO, OREG., FEE-2387, MOTOR GASOLINE, DIESEL FUEL

The County Counsel of Washington County, Oregon (the County) filed an Application of Exception from the provisions of the Mandatory Petroleum Price Regulations on behalf of the County. The County's exception request, if granted, would permit refiners, resellers and retailers of motor vehicle fuel in Washington County to increase their selling prices to reflect a license tax imposed by the County on sellers of motor vehicle fuel. In considering the exception request, the FEA determined that the tax which the County imposed is directly patterned on the motor vehicle fuel license tax provisions of the State of Oregon. In a previous proceeding, exception relief was approved for the entire State of Oregon under similar circumstances. State of Oregon, 2 FEA Par. 83,-320 (October 3, 1975). In that case, the FEA determined that the burden to the State of either foregoing the tax increase or revamping its tax structure so outweighed any possible benefits as to result in a gross inequity to the State which warranted exception relief. Since the circumstances presented in the County's request for exception are very similar, the FEA granted the County exception relief on the basis of the previous precedent.

WEST OIL CO., LOS ANGELES, CALIF., FEE-2200, CRUDE OIL

West Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would have permitted the firm to sell the crude oil produced from the Gulf Cookie State No. 1 and No. 2 wells located in Lea County, New Mexico at upper tier price levels. In considering West's exception application, the FEA determined that: (i) production in 1975 from the property clearly exceeded the 10.0 barrels per day average production level, which is the maximum production permitted for a well to be classified as a stripper well; (ii) West has a clear economic incentive to continue producing crude oil from the wells, since they were generating significant operating income; and (iii) West failed to make a convincing showing that the approval of exception relief which would permit the firm to charge upper tier prices were necessary to provide an economic incentive for additional capital investment in the wells. The exception application was therefore denied.

REQUESTS FOR STAY

NATIONAL COOPERATIVE REFINERY ASSOCIATION, M'PHERSON, KANS. FES-2314, COVERED PRODUCTS

The National Cooperative Refinery Association requested a stay of certain provisions of the refiners' pricing rules pending a determination on an exception application which it filed with the FEA. If the request were granted, NCRA would be permitted to increase its current selling prices for covered products to reflect non-product costs which it was unable to recover in 1974. In considering the Application for Stay, the FEA determined that: (i) NCRA failed to provide any data to substantiate its claim that it would experience an immediate financial hardship or irreparable injury if its request for stay were denied; and (ii) contrary to its allegation the NCRA submission did not make such a strong showing that it was likely to succeed on the merits as to justify the approval of a stay. NCRA's request for stay was therefore denied.

UCO OIL CO., WHITTIER, CALIF., FES-2388 MOTOR GASOLINE

UCO Oil Company (UCO) requested that the application of 10 CFR 211.9 be stayed and that it be assigned a new supplier of motor gasoline to replace its present base period suppliers, The Oil Shale Corporation and MacMillan Ring-Free Oil Company, Inc., pending a determination on an Application for Exception which the firm had filed. In considering UCO's application, the FEA determined that in view of the significant quantities of petroleum products involved and the extent to which other parties could be adversely affected, the type of ex parte Order which UCO requested the FEA to issue would be justified only if UCO made a very strong showing that its continued operations would be very seriously jeopardized during the period of time necessary to reach a determination on the merits of its exception application. The FEA noted that although UCO's submission indicated that it is incurring financial losses, the firm had in prior periods realized significant levels of profitability and its current cash position was very favorable. The FEA therefore determined that the firm had not made a sufficiently strong showing that it was likely to encounter significant difficulties in maintaining its business activities or that its operations would be seriously impaired in a permanent manner as a result of the application to it of FEA regulatory provisions. In addition, the FEA pointed out that if exception relief is ultimately granted, the FEA could mitigate any possible injury which UCO might sustain by fashioning exception relief which would compensate UCO for any financial burden which it incurred during the pendency of its Application for Exception. The firm's Application for Stay was therefore denied.

REQUEST FOR MODIFICATION AND RESCISSION

DEPARTMENT OF DEFENSE, DALLAS, TEX., FMR-0042, MOTOR GASOLINE

The Department of Defense, on behalf of the Army and Air Force Exchange Service, the Navy Exchange Service and the Marine Corps Exchange Service, filed an Application for Modification of a Decision and Order issued by the FEA on September 11, 1974. In that Decision and Order the FEA granted these military exchange services a class exception from the provisions of 10 CFR 212.93 which permitted all military exchange resale motor gasoline outlets to establish gasoline prices in relation to the average price for gasoline in the civilian community surrounding the exchange. The Application for Modification, if granted, would permit the resale outlets to establish prices to be charged at full-service gasoline outlets and prices to be charged at self-service gasoline outlets on a separate basis. In considering DOD's request, the FEA found that the class exception relief previously granted did not permit prices for self-service motor gasoline at military exchanges to be established in relation to average prevailing prices for similar services. In order to meet the objectives specified in the September 11 Order, the FEA concluded that the DOD should be permitted to establish prices for the gasoline marketed at military exchanges on the basis of separate market surveys of full service stations and self-service stations.

SUPPLEMENTAL ORDER

ASHLAND OIL CO. OF CALIFORNIA, SAN FRANCISCO, CALIF., FEX-0041, MOTOR GASOLINE GASOLINE

On April 30, 1976, the Federal Energy Administration issued a Decision and Order to the Ashland Oil Company of California (Ashland). In that Decision, the FEA determined that Ashland was experiencing a serious hardship as a result of the regulatory provisions requiring adherence to the firm's supplier/purchaser relationship with its principal base period supplier, Coastal States Gas Producing Company, and appropriate exception relief was therefore approved. Subsequent to the issuance of the April 10 Decision and Order, the FEA

was informed that one of the assumptions which was utilized in arriving at the conclusion that Ashland would continue to incur serious financial difficulties was erroneous. The FEA therefore suspended the April 30 Decision and Order and stated that Ashland may reopen the proceeding by requesting that an evidentiary hearing be conducted with respect to the matters raised in its exception application.

PETITION FOR SPECIAL REDRESS

INCONTRADE, INC., STAMFORD, CONN., FSG-0021, RESIDUAL FUEL OIL

Incontrade, Inc. filed a Petition for Special Redress in which it requested that the FEA reverse two previous Decisions denying the firm's request for a fee-free import allocation. In its Petition, Incontrade claimed that an Order should have been issued permitting it to import 4,595,826 barrels of residual fuel oil on a fee-free basis during the current allocation period. In the previous Decision denying an additional allocation of fee-free licenses, the FEA determined that the data which Incontrade had submitted revealed that it had made only a minimal investment in long term assets and therefore had made no showing that its operations would be sufficiently viable and stable to enhance the competitive structure of the market in which it operates. In its current submission, Incontrade presented no evidence to indicate that this determination as to the nature of its operations was erroneous. In addition, the FEA determined that Incontrade had not made a convincing showing that an improper characterization by the FEA of Incontrade as a broker in the FEA's previous Decision had any substantive effect. The FEA therefore concluded that Incontrade had failed to demonstrate that erroneous criteria had been applied in reaching the decisions which had been made on its previous requests or that the criteria themselves were erroneous. Accordingly, the firm's Petition was denied.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Delaware Valley Propane, Moorestown, New Jersey, FEE-2328.

Gladieux Refinery Inc., Fort Wayne, Indiana, FEE-2262.

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Stovall Oil Company, Casper, Wyoming, FEE-2382.

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Shell Oil Company, Houston, Texas, FEE-2300.

The following submission was dismissed on the grounds that the request is now moot:

Public Service Electric & Gas Company, Newark, New Jersey, FEE-2342.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

JUNE 1, 1976.

[FR Doc.76-16315 Filed 6-2-76;11:27 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 10 Through May 14, 1976

Notice is hereby given that during the week of May 10, through May 14, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Offices of Exceptions and Appeals and the basis for the dismissal.

REQUESTS FOR EXCEPTION

AMOCO OIL CO., CHICAGO, ILL., FEE-2233, CRUDE OIL

Amoco Oil Company (Amoco) filed an Application for Exception from the provisions of 10 CFR, Part 214 (the Canadian Crude Oil Allocation Program). The exception request, if granted, would result in the issuance of an Order by the FEA changing the designation of Amoco's refinery located in Mandan, North Dakota (the Mandan refinery) from a second priority refinery to a first priority refinery. This change in designation would result in an increase in the amount of Canadian crude oil which Amoco is allocated under the Program. In its exception application, Amoco contended that if it does not obtain additional Canadian crude oil for use at that refinery, it may be economically infeasible to continue to operate the facility. In considering Amoco's exception application, the FEA held that since Amoco is a wholly-owned subsidiary of the Standard Oil Company of Indiana (Standard), Standard's overall petroleum operations should be considered in evaluating Amoco's claim of serious hardship. The FEA determined that Amoco failed to show that the loss of any revenues which it may experience as a result of the denial of its exception request will significantly affect Standard's financial posture or impair any significant aspect of its operations. The FEA was unable to analyze Amoco's claim that a serious hardship would be experienced at the Mandan refinery alone or that it would eventually cease operations at Mandan in the absence of exception relief because Amoco failed to furnish basic financial data regarding the operation of the Mandan refinery. Other information in Amoco's exception application indicated that the refinery will remain economically viable even if Amoco obtains crude oil exclusively from domestic sources. The FEA also found that Amoco provided no convincing evidence in its exception application to indicate that any third party would be adversely affected if Amoco's exception requests were denied. Moreover, if Amoco's exception application were granted, other refineries which receive crude oil under the Canadian Crude Oil Allocation Program would be adversely affected, since any increase in the allocation of Canadian crude oil to the Mandan refinery would necessarily decrease the quantity of Canadian crude oil to be allocated to other refineries. Amoco's exception application was therefore denied.

ATLANTIC RICHFIELD CO., LOS ANGELES, CALIF., FEE-2309; C. F. PETROLEUM CO., LONG GROVE, ILL., FEE-2312, CRUDE OIL AND REFINED PETROLEUM PRODUCTS

The Atlantic Richfield Company (Arco) and the C. F. Petroleum Company (CFP) filed submissions with the Federal Energy Administration requesting various types of administrative relief in connection with the proposed acquisition by CFP of a refinery which Arco owns in East Chicago, Indiana (the East Chicago refinery). In the Decision which it issued, the FEA noted that the Mandatory Petroleum Allocation and Price Regulations are not specifically designed to resolve the complex issues which are presented by the purchase and sale of an operating refinery. Consequently, these issues should be resolved on an individual case-by-case basis through the exceptions process in order to avoid the occurrence of a situtaion in which the national objective of encouraging market entry by small and independent firms is frustrated.

Based on the material submitted in this proceeding, the FEA determined that CFP should be permitted to compute its maximum allowable prices for refined products by using the May 15, 1973 prices which Arco charged at the East Chicago refinery. In addition, in order to avoid price distortions which would otherwise result from a lack of comparability of costs, CFP was directed to compute its increased costs by using the actual product and non-product costs which the East Chicago refinery experienced in May 1973. Arco in turn was required to exclude from the calculation of its maximum allowable prices the May 15, 1973 prices and the May 1973 product and non-product costs of the East Chicago refinery.

With respect to the issues presented in the Arco and CFP submissions involving the allocation of refined petroleum products, the FEA determined that in order to avoid a disruption in the East Chicago refinery operations and supply dislocations to purchasers of refined prod-

ucts from the East Chicago refinery: (i) Arco's base period relationships with purchasers of solvents, napththa and residual fuel oil should be terminated and CFP should be assigned to supply those purchasers; and (ii) Arco should be permitted to sell the inventories of solvents, naptha and residual fuel oil in Arco's possession at the East Chicago refinery on the date of the closing of the sale of the refinery to CFP without including those products in its national allocable supply.

In addition, the FEA directed Arco to make reductions in its total cost of crude oil during the month immediately following the sale of inventories to CFP to offset previous increases in its crude oil costs due to the acquisition of the crude oil purchased to produce the refined products being sold in the transfer of inventories. CFP was directed to treat the portion of the purchase price of the inventories which exceeds Arco's cost of crude oil contained in the inventories as a non-product cost. The FEA also determined that Arco should not be permitted to recoup the costs which it incurs under the Crude Oil Conversion Agreement which it proposes to enter into with CFP as either increased product costs or increased non-product costs.

Finally, with respect to the effect of the transfer on the positions of Arco and CFP under the Crude Oil Buy/Sell Program and Old Oil Entitlements Program, the FEA determined that: (i) CFP will be classified as a small refiner; (ii) CFP's East Chicago refinery will be considered "refining capacity" for purposes of calculating the firm's proper allocation of crude oil under the Buy/Sell Program; (iii) CFP's crude oil allocation under the Buy/Sell Program will be determined in accordance with the volume of Arco's crude oil runs to stills at the East Chicago refinery during 1972 and the period February through April 1974; (iv) CFP will be permitted to earn entitlements under the Old Oil Entitlements Program beginning with the month in which it purchases the East Chicago refinery; (v) Arco's fixed percentage share of the total sales obligation of all refiner-sellers will not be reduced as a result of the transfer of the East Chicago refinery; (vi) subsequent to the transfer of the East Chicago refinery, all crude oil processed at the refinery for the account of Arco will be included in Arco's crude oil runs to stills for purposes of the Buy/Sell Program and the Entitlements Program and excluded from CFP's crude oil runs to stills for purposes of those programs; and (vii) subsequent to such transfer, all crude oil processed at the refinery for the account of CFP will be included in CFP's crude oil runs to stills for purposes of the Entitlements Program and the Buy/Sell Progam and excluded from Arco's crude oil runs to stills for purposes of the Entitlements Program.

BELCO PETROLEUM CORP., NEW YORK, N.Y., FEE-2197, CRUDE OIL

Belco Petroleum Corporation (Belco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Belco to increase the prices of the crude oil which it produces from the McDonald Draw Unit-Tank Battery Four (the McDonald Unit) to recover $309,833.50 in revenues which the firm failed to realize because it miscalculated the cumulative deficiency for the McDonald Unit during the period January through November 1975. In considering Belco's exception request, the FEA held that as a firm dealing in a petroleum related industry Belco has an affirmative obligation to me cognizant of the correct application of FEA Regulations to its business operations. The FEA observed that Belco's failure to charge new or released prices for certain volumes of crude oil resulted solely from the firm's own negligence. Furthermore, in view of the fact that Belco provided no data regarding its current financial positon, the FEA determined that Belco failed to demonstrate that any adverse consequences would result if the firm's request for exception relief were denied. Finally, the FEA held that the nature of the exception relief which Belco requested would directly contravene the stated intent of Section 212.72 of the Manadatory Petroleum Price Regulations to provide stable crude oil prices. Belco's exception application was therefore denied.

CONTINENTAL OIL CO., HOUSTON, TEX., FEE-2124, REFINED PETROLEUM PRODUCTS

Continental Oil Company (Conoco) filed an Application for Exception from the provisions of 10 CFR, Part 212, which, if granted, would permit Conoco to increase its selling prices for refined petroleum products to recover certain cash discounts which it granted during the period September 1974 through January 1975. In its exception application, Conoco asserted that prior to the issuance of FEA Ruling 1975-13 on September 4, 1975, it was not clear that under the Mandatory Petroleum Price Regulations cash discounts are considered as non-product costs which may be used as a basis for increasing prices. The firm indicated that because of this uncertainty it filed a request for interpretation seeking an explanation as to the manner in which increased cash discounts could be reflected in its selling prices but never received a response to its request. Conoco asserted that it refrained from increasing its selling prices during the period September 1974 through January 1975 and as a result lost revenues of $1,368,000. In considering the exception application, the FEA observed that despite the action which Conoco took to obtain a clarification of the FEA Regulations, the firm was not apprised of its right to pass through its increased cash discounts for a period of approximately twelve months. The FEA determined that the firm was unduly penalized by the administrative delay which it encountered. The FEA also determined that Conoco made a strong showing that it would have been able to increase its selling prices to reflect the increased cash discounts if it had received a timely response to its Request for Interpretation. The FEA concluded that under these circumstances exception relief should be approved to permit Conoco to increase its selling prices.

S. & K. OIL CO., TULSA, OKLA., FEE-2360, CRUDE OIL

S & K Oil Company (S & K) filed an Application for Exception from the provisions of 10 CFR 212.74(c) which, if granted, would permit the firm to classify the Cook-Dacon lease which it operates as a stripper well lease and sell the crude oil produced from the lease at upper tier ceiling prices. In considering the application, the FEA pointed out that exception relief would not be necessary if, as S & K contended, the actual daily production from the Cook-Dacon lease did not exceed 10 barrels per day per well since the property would then qualify as a stripper well lease. With respect to S & K's contention that a gross inequity resulted from the narrow margin by which the property may have failed to qualify as a stripper well lease, the FEA observed that a similar argument had been considered and ultimately rejected in Raymond M. Jones, 3 FEA Par. 83,042 (December 12, 1975). In that Decision, the FEA held that it is inevitable that whenever regulatory criteria are established some firms will fall just short of meeting those criteria and that this situation in and of itself does not constitute a gross inequity. The FEA concluded that the determination made in the Jones case was equally applicable to the present case and therefore denied S & K's Application.

UPHAM OIL & GAS CO., CHICO, TEX., FEE-2330 NATURAL GAS

Upham Oil and Gas Company (Upham) filed an Application for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit Upham to increase the prices of the natural gas liquid products produced at its Chico, Texas, plant to reflect the non-product cost increases which it experienced. In considering Upham's Application, the FEA determined that since Upham had experienced substantial non-product cost increases between its fiscal quarter which included May 15, 1973 and the most recently completed fiscal quarter, Upham was entitled to exception relief in accordance with the precedents established in Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975). The FEA therefore permitted Upham to increase the selling prices of the natural gas liquid products produced at its Chico, Texas, plant by $.0194 per gallon until September 30, 1976.

Potomac Gas Company (Continued)

make restitution for previous overcharges over an extended period of time. Potomac Gas Co., 3 FEA Par. 85,021 (March 11, 1976) (Stay); and Potomac Gas Co., 3 FEA Par., —— (May 4, 1976) (Appeal). In a subsequent letter, the Regional Administrator of FEA Region III informed the Office of Exceptions and Appeals that the Director of Region III Compliance Division had in fact modified the Reme-

dial Order on February 2, 1976. The FEA therefore issued a Supplemental Order deleting the portion of the Appeal Decision which modified the Remedial Order.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Airflite Inc. South, Long Beach, California, FEE-2403.
J-W Operating Company, Dallas, Texas, FEE-2398.
Murphy Oil Corporation, Washington, D.C., FEE-2347.
Nestle Company, Inc., Washington, D.C., FEE-2400.
West Penn Power Company, Greensburg, Pennsylvania, FEA-0756, FEA-0757.

The following submissions were dismissed for failure to correct the deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Diversified Chemicals & Propellants Company, Chicago, Illinois, FEA-0789.
Howell Corporation, Houston, Texas, FEE-2363.

The following submissions were dismissed after the applications repeatedly failed to respond to requests for additional information:

American Petrofina, Inc., Washington, D.C., FEE-2336.
Pecos Valley Gas Company, Washington, D.C., FEE-2314.
The University of Oklahoma, Norman, Oklahoma, FEE-2332.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Commonwealth Natural Gas, Corporation, Richmond, Virginia, FMR-0043.

The following submissions were dismissed on the grounds that the request is now moot:

Coastal States Gas Corporation, Houston, Texas, FEE-2228.
Tampa Electric Company, Richmond, Virginia, FEA-0815.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Texas Asphalt & Refining Company, Houston, Texas, FST-2478.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

JUNE 1, 1976.

[FR Doc.76-16316 Filed 6-2-76;11:27 am]

FEDERAL MARITIME COMMISSION

BOARD OF TRUSTEES OF THE GALVESTON WHARVES AND THE BUNGE CORP.

Notice of Agreements Filed

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreements 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 June 28, 1976. Any person desiring a hearing on the proposed agreements 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 agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Benjamin R. Powel, McLeod, Alexander, Powel and Apffel, Inc., 808 Sealy and Smith Professional Building, 200 University Boulevard, P.O. Box 629, Galveston, Texas 77550.

Agreement No. T-3289, as amended by T-3289-1 and T-3289-2, between the Board of Trustees of Galveston Wharves (Wharves) and Bunge Corporation (Bunge), provides for the 20-year lease (with options to renew) of a grain elevator; all machinery and equipment; and other buildings and structures to be used as an export house. As compensation, Bunge shall pay rental on a declining rate scale with a guaranteed minimum as set forth in the agreement and amendments. Wharves shall have the right of prior approval of all dockage charges, all rules and regulations, and all rates and charges for the handling and storage of commodities.

By Order of the Federal Maritime Commission.

Dated: June 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16387 Filed 6-4-76;8:45 am]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., 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 June 17, 1976. Any person desiring a hearing on the proopsed 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:

John Cunningham, Esquire, Kominers, Fort, Schlefer and Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Agreement No. T-2373-4, between the State of Connecticut (State) and Connecticut Terminals Company, Inc., (CTC), is an interim letter agreement which extends the parties' basic agreement providing for the lease and operation of State Pier No. 1, New London, Connecticut. The purpose of the agreement is to outline the terms of a new agreement which will: (1) extend the lease for a period of five years commencing July 1, 1976; (2) include present usable equipment in the lease, acquire new equipment and dispose of equipment no longer of value to the operation; (3) provide that State will make all major repairs and improvements and keep same in good operable condition; (4) set rental of $300 a month plus a percentage on a graduated scale of the gross earned revenues derived from operations; (5) provide for working capital by CTC and the maintenance of a parts inventory; (6) provide that CTC shall submit quarterly statements to State who shall have the right of periodic inspection of equipment and facilities; and (7) provide that the lease contract shall contain certain standard clauses of the State of Con-

necticut contracts. By Order of the Federal Maritime Commission

Dated: June 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-16386 Filed 6-4-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE CLINCH RIVER BREEDER REACTOR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Clinch River Breeder Reactor Plant will meet on June 23, 1976 in Room 1046, 1717 H Street, NW., Washington, DC 20555. The purpose of this meeting is to continue the ACRS review of the application of the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, and the Project Management Corporation for a permit to construct the Clinch River Breeder Reactor Plant.

The agenda for the subject meeting shall be as follows:

Wednesday, June 23, 1976, 8:30 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above application.

9:00 a.m. until the conclusion of business

The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the U.S. Energy Research and Development Administration, the Tennessee Valley Authority, the Project Management Corporation, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and to identify items and times for future Subcommittee meetings. During this session, the Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of the caucus, the Subcommittee may meet again in brief open session to announce its plans for the next meeting.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 16, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning the Clinch River Breeder Reactor can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555, at the Oak Ridge Public Library, Civic Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church Street, Knoxville, TN 37902.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 22, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1375, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confidmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 30, 1976 at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555, at the Oak Ridge Public Library, Civil Center, Oak Ridge, TN 37830, and at the Lawson McGhee Public Library, 500 W. Church St., Knoxville, TN 37902.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H. Street, N.W., Washington, DC 20555 after September 23, 1976. Copies may be obtained upon payment of the appropriate charges.

Dated: June 1, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-16549 Filed 6-4-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON PEAKING FACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Peaking Factors will hold a meeting on June 24, 1976 in Room 1046, 1717 H Street, N.W., Washington, DC 20555. This is the second of a series of meetings to review current methods of measuring power distribution in light-water power reactors whose cores are fabricated by the various reactor vendors. This meeting will be used to continue discussion of power distribution in reactors whose cores have been fabricated by the Westinghouse Electric Corporation.

The agenda for the subject meeting shall be as follows:

Thursday, June 24, 1976, 8:30 a.m.

Members of the Working Group will meet in closed Executive Session, with any of their consultants who may be present, to explore, their preliminary opinions regarding matters which should be considered dur-

ing the open session so that the Working Group can prepare a report and recommendations to the full Committee.

9:00 a.m. until conclusion of business

The Working Group will meet in open session to discuss with representatives of the NRC Staff and the Westinghouse Electric Corporation current methods of measuring power distribution in nuclear reactor cores built by the Westinghouse Electric Corporation.

At the conclusion of the open session, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 17, 1976, to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 23, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 1, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H St., N.W., Washington, DC 20555 after September 24, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: June 1, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-16548 Filed 6-4-76;8:45 am]

[Docket Nos. 50-556A and 50-557A]

PUBLIC SERVICE CO. OF OKLA., INC., AND ASSOCIATED ELECTRIC COOPERATIVE

Receipt of Attorney General's Advice and Filing of Petitions

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated May 26, 1976:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application. By letter to you dated June 23, 1975, we rendered advice with respect to Public Service Company of Oklahoma's application to construct the Black Fox units. 40 F.R. 28507. In that letter, we noted that Associated Electric Cooperative (AEC) had purchased a 500 MW ownership interest in the Black Fox plant. You have asked us now to review the antitrust aspects of AEC's application as a participant in this plant.

'AEC, headquartered in Springfield, Missouri, and its six member cooperatives serve customers throughout Missouri and in southeast Iowa. AEC's six member generation and transmission cooperatives are: KAMO Electric Cooperative, Inc.; M&A Electric Power Cooperative; Central Electric Power Cooperative; Northeast Missouri Electric Power Cooperative; N.W. Electric Power Cooperative; and Sho-Me Power Corporation. These six generation and transmission cooperatives, in turn, have 43 member distribution cooperatives.

AEC and its six member cooperatives estimate their total current peak load at approximately 1342 MW. AEC is the third largest electric utility in Missouri. AEC's total available dependable generating capacity is 1330 MW and is projected to almost triple in the next ten years. To meet this increase, AEC and its six member cooperatives have planned or have under construction additional generating capacity which will increase their dependable system capacity to 3564 MW by 1985. AEC and its six members have interconnection agreements with adjacent electric power suppliers, providing for various power exchanges. Further, AEC is a member of two regional reliability organizations, the Southwest Power Pool (SWPP) and the Mid-America Interpool Network (MAIN).

We have examined the information submitted by AEC in connection with the application as well as other information relevant to AEC's competitive relationships. Our review of this information has disclosed no basis upon which to change our earlier conclusion that no antitrust hearing will be necessary with respect to these units, assuming, of course, that the Commission issues licenses conditioned with regard to Public Service Company of Oklahoma as indicated in our letter to you of June 23, 1975, cited above.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by July 7, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

[FR Doc.76-16547 Filed 6-4-76;8:45 am]

[Docket No. 50-293]

BOSTON EDISON 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. 15 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment (1) authorizes operation with additional 8 x 8 fuel assemblies, (2) establishes operating limits based upon the General Electric Thermal Analysis Basis (GETAB), and (3) incorporates operating limits in the Technical Specifications for the facility based on an acceptable evaluation model that conforms with the requirements of Section 50.46 of 10 CFR Part 50.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings 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. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (2) and (3) above was published in the FEDERAL REGISTER on October 17, 1975 (40 FR 48735). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on items (2) and (3) above. Prior public notice of item (1) above was not required since this action does not involve a significant hazards consideration.

In connection with the issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the applications for amendment dated July 9, 1975 and July 29, 1975, and supplements thereto dated October 3, October 31, November 10, November 17, December 8, 1975 and March 1, March 19, and April 12, 1976, (2) Amendment No. 15 to License No. DPR-35, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated May 21, 1976 (which is also being published in the FEDERAL REGISTER), and associated 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 Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

A single copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-16159 Filed 6-4-76;8:45 am]

[Docket Nos. STN 50-484; STN 50-487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN); (TYRONE ENERGY PARK, UNITS 1 AND 2)

Special Prehearing Conference

The Atomic Safety and Licensing Board will hold a Special Prehearing Conference as required by 10 CFR § 2.751a on June 29, 1976 commencing at 10:00 a.m. in the U.S. District Courtroom, 2nd Floor, Federal Building and U.S. Courthouse, 510 South Barstow Commons, Eau Claire, Wisconsin 54701.

The purpose of this conference is to permit identification of the key issues in the proceeding; take any steps necessary for further identification of the issues; consider all pending motions and petitions for leave to intervene; and other items set forth in 10 CFR § 2.751a.

The parties or their counsel are required to attend and the public may attend. The Board will not hear from members of the public desiring to make limited appearances at this conference. An opportunity for limited appearances will be provided later.

Dated at Bethesda, Maryland, this 26th day of May 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.76-16161 Filed 6-4-76;8:45 am]

[Docket No. 50-293]

PILGRIM NUCLEAR POWER STATION UNIT NO. 1

Negative Declaration Regarding Proposed Changes to Technical Specifications

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-35. These changes would authorize the Boston Edison Company (the licensee) to operate the Pilgrim Nuclear Power Station Unit No. 1 (located in Plymouth County, Massachusetts) with changes to the limiting conditions for operation associated with fuel assembly specific power (average planar linear heat generation rate) resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change is being made in conjunction with refueling with additional 8 x 8 fuel.

The U.S. Nuclear Regulatory Commission, Division of Operating Reactors, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-35, Pilgrim Unit No. 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no 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 the Pilgrim Nuclear Power Station Unit No. 1 published in May 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street, Plymouth, Massachusetts 02360.

Dated at Bethesda, Maryland, this 21st day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-16160 Filed 6-4-76;8:45 am]

[Docket Nos. 50-275 and 50-323]

PACIFIC GAS & ELECTRIC CO.

Availability of an Addendum to the Final Environmental Statement

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 an Addendum to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation has been issued. The Addendum represents an updated assessment of the environmental impacts associated with the proposed operation of the Diablo Canyon Nuclear Plant, Unit Nos. 1 and 2, located in San Luis Obispo County, California. Notice of the availability of the Commission's Final Environmental Statement was published in the FEDERAL REGISTER on May 30, 1973 (38 FR 14183).

Copies of the Addendum are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.; the San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, California 93407; Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, California 92677; the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 119 N. California Boulevard, Walnut Creek, California 94596; and the Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 94814.

Requests for copies of the Addenum should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland this 28th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-16162 Filed 6-4-76;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 20 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station, Units Nos. 1 and 2, located in Surry County, Virginia. These amendments are effective as of the date of issuance.

These amendments relate to both the increase in the limiting nuclear enthalpy hot channel factor for Surry Units Nos. 1 and 2, and to the replacement of 81 of 157 fuel assemblies in the reactor core of Surry Unit No. 2 constituting refueling of the core for third cycle operation.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings 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. Notices of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action were published in the FEDERAL REGISTER on April 1, 1976 (40 FR 14018 and 14019). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the two applications for amendments dated March 11, 1976, as supplemented May 12 and 14, 1976, (2) Amendments No. 20 to licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-16163 Filed 6-4-76;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER 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. 16 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 1, located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment consists of changes in the Technical Specifications that will add new Departure from Nucleate Boiling (DNB) related limiting conditions for operation.

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 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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 5, 1976, (2) Amendment No. 16 to License No. DPR-24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Document Department—University of Wisconsin, Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 25th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-16164 Filed 6-4-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new 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.

This guide is part of a series developed by the NRC staff to implement the requirements of Appendix I, "Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low As Is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents," to 10 CFR Part 50. This series of guides provides methods acceptable to the staff for the calculation of effluent releases, dispersion of effluents in the atmosphere and different water bodies, associated radiation doses to man, and cost-benefit aspects of treating radwastes.

Regulatory Guide 1.113, "Estimating Aquatic Dispersion of Effluents from Accidental and Routine Reactor Releases for the Purpose of Implementing Appendix I," describes basic features of calculational models acceptable to the NRC staff for the estimation of aquatic dispersion of both routine and accidental releases of liquid effluents into various types of surface water bodies. It also suggests methods of determining values of parameters for use in the models.

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 1.113 will, however, be particularly useful in evaluating the need for an early revision if received by July 30, 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 25th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-16165 Filed 6-4-76;8:45 am]

[Docket Nos. STN 50-483; 50-486]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Order

JUNE 2, 1976.

The oral argument in this proceeding will be heard at 10:00 a.m. Thursday, June 10, 1976 in the courtroom of the United States District Court for the Eastern District of Missouri, Room 313, U.S. Courthouse and Custom House, 1114 Market Street, St. Louis, Missouri.

Each side is allotted one hour for argument. Joint Intervenors may reserve a portion of their time for rebuttal; the applicant and the staff shall divide their time equally unless counsel agree to some other division. The parties should be prepared to discuss matters relating to the exceptions taken to the Partial Initial Decision of August 8, 1975, as well as to those addressed to the Initial Decision of April 8, 1976.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-16612 Filed 6-4-76;9:23 am]

[Docket Nos. STN 50-528; STN 50-529; STN 50-530]

ARIZONA PUBLIC SERVICE CO. ET AL.

Issuance of Construction Permit(s)

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated May 24, 1976, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits Nos. CPPR-141; CPPR-142 and CPPR-143 to the Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico and Arizona Electric Power Cooperative, Incorporated for construction of three pressurized-water nuclear reactors at the applicants' site in Maricopa County, Arizona. The proposed reactors which are known as the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, are each designed for a rated power of 3800 megawatts thermal with a net electrical output of 1270 megawatts.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is June 1, 1981 and the latest date for completion is November 1, 1982; the earliest date for completion of Unit 2 is February 1, 1983 and the latest date for completion is November 1, 1984; the earliest date for completion of Unit 3 is November 1, 1984 and the latest date for completion is November 1, 1986. Each permit shall expire on the latest date for completion of the respective facility for which it is issued.

A copy of (1) the Initial Decision, dated May 24, 1976; (2) Construction Permits Nos. CPPR-141; CPPR-142; CPPR-143; (3) the report of the Advisory Committee on Reactor Safeguards, dated November 12, 1975; (4) the Office of Nuclear Reactor Regulation's Safety Evaluation dated October 1975 and supplements thereto; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated July 1974 and supplements thereto; (7) the Draft Environmental Statement dated April 1975; and (8) the Final Environmental Statement dated September 1975 and Final Supplement dated February 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the Phoenix Public Library, Science & Industry Section, 12 East McDowell Road, Phoenix, Arizona. A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation and Supplements 1 and 2 thereto (Document No. NUREG-75/098; NUREG-75/098, Supplement No. 1; and NUREG-0059, Supplement No. 2) and the Final Environmental Statement and Final Supplement (Document No. NUREG-75/078 and NUREG-0036) may be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 25th day of May 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.76-16158 Filed 6-4-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 28, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Instruments for Assessing Barriers to Compliance With FIDCR in Region V, OS-11-76; single-time, day care providers in Region V, Human Resources Division, Reese, B. F., 395-3532.

Office of Education: Adult Indochinese Refugee Education Program Reporting Forms, OE-498, single-time, refugees from Cambodia and Vietnam in the United States, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Administrative Review Report, FNS19, on occasion, private non-profit and public service institutions, Human Resources Division, Lowry, R. L., 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Special Programs for the Disadvantaged Statistical Report, OE Form 1231, semi-annually, project directors at higher education institutions, Lowry, R. L., 395-3772.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Grant Fiscal Reports (To Determine Unexpended Funds, Several Programs), NSF 135, on occasion, colleges and universities, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Application for Price Support by Heirs, CCC-686, on occasion, applicants, Marsha Traynham, 395-4529.

Rural Electrification Administration:

Weekly Progress Report on Telephone Construction and Engineering Services, REA-521, weekly, consulting engineers of REA telephone borrowers, Marsha Traynham, 395-4529.

Number of Electric Consumers or Telephone subscribers Serviced, REA-50 on occasion, REA borrowers, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

FY 1975 Annual Program and Expenditures Report, College Library Resources Grants, OE 3115, annually, institutions of post-secondary education, Marsha Traynham, 395-4529.

ESEA Title I Comparability Report: General Information and School Data; OE 4524A, annually, LEA's, Kathy Wallman, 395-6140.

Application to Participate in the State Student Incentive Grant Program, OE 1288, annually, State Agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-16494 Filed 6-4-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 27, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the Reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy development and research: Examine State sex-based discrimination laws, single-time, Community and Veterans Affairs Division, 395-3532.

REVISIONS

Community Planning and Development application for Federal Assistance Part II Annual Work Programs Summary, HUD-7026.2, annually, State, large cities, Community and Veterans Affairs Division, Lowry, R. L., 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:

Application for Rural Telephone Loan, REA-490, on occasion, applicants for REA telephone loans, Marsha Traynham, 395-4529.

Prospective Large Power Service (REA Borrowers), REA 170, on occasion, REA electric borrowers, Marsha Traynham, 395-4529.

Area Coverage Survey Tabulation (Telephone Companies Applying for Government Loans), REA-569, on occasion, applicants for REA telephone loans, Marsha Traynham, 395-4529.

Financial Requirement Statement (for Requesting of Advances of Telephone Loan Funds), REA 481, on occasion, REA telephone borrowers with active construction programs, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community planning and development: Claim forms and dwelling inspection record for use by persons entitled to payments under the Uniform Act, on occasion, persons displaced by HUD-assisted activities, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: 1975 Occupational Injuries and Illness Survey, OSHA 103, annually, employers in American industry covered by P.L. 596, Ellett, C. A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-16495 Filed 6-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12495; File No. SR-PSE-76-9]

PACIFIC STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 84-29, 16 (June 4, 1975), notice is hereby given that on March 1, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSISTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends the provisions of Rule VI of the Pacific Stock Exchange Incorporated to reflect the adoption of the Uniform Net Capital Rule, and amplifies upon the conditions under which the Exchange may impose restrictions on the activities of its member organizations. In addition, the proposed rule change sets forth additional steps which the Exchange may require a member organization to take as appropriate corrective action for the conditions enumerated in the Rule. Further, the proposed rule change transposes the amended provisions of Rule VI to Rule V.

The text of the proposed rule change, as altered by an amendment filed with the Commission on May 17, 1976, is as follows:

RULE V

CAPITAL REQUIREMENTS

* * * * *

RESTRICTIONS ON MEMBER ACTIVITIES

SEC. 4. The Exchange may restrict the conduct of a member organization's activities if at any time the member organization appears to be approaching financial difficulties or appears to be experiencing difficulties in its daily operations.

(a). The Exchange may implement the provisions of Paragraph (b) of this Section if it determines the existence of one or, more of the following conditions:

(1) The member organization fails to maintain net capital, above the requirements of Rule V, equivalent to the greater of (i) one-half of the losses of a member organization in the twelve-month period immediately preceding the date of such computation, or (ii) the loss experienced by the member organization in the six-month period immediately preceding such computation.

In determining profit or loss, the member organization shall mark its trading accounts to the market, and, its expenses shall reflect, among other things, all partners' drawings and salaries, and appropriate amounts for assets doubtful of collection.

(2) The member organization has subordinated capital which will mature within the next 180 days, and which, if not renewed, would cause (i) the ratio of aggregate indebtedness to net capital to exceed 12 to 1, or, in the case of a member organization which is operating pursuant to paragraph (f) of SEC Rule 15c3-1 (Alternative Net Capital Requirement), net capital to be less than 6% of the aggregate debits; (ii) a reduction in excess net capital below the standard set forth in subparagraph (1) of this Section, or (iii) a reduction in net capital below 120% of the minimum required net capital.

(3) The member organization has experienced a reduction in net capital of 15% in the preceding month or 30% in the three-month period immediately preceding such computation, other than as a result of increased capital haircuts on firm proprietary securities positions.

(4) The member organization's net capital is less than $1,000,000 and (i) its ratio of aggregate indebtedness to net capital equals or exceeds 8 to 1, or (ii) its net capital is less than 150% of the minimum required net capital.

(5) The member organization's net capital equals or exceeds $1,000,000 and (i) its ratio of aggregate indebtedness to net capital equals or exceeds 10 to 1, or (ii) its net capital is less than 120% of the minimum required net capital.

(6) Notwithstanding the provisions of subparagraphs (4) and (5) above, if the member organization is operating pursuant to Paragraph (f) of SEC Rule 15c3-1 (Alternative Net Capital Requirement), its net capital is less than the greater of $200,000 or 6% of its aggregate debits.

(7) The member organization has experienced a substantial change in the nature of the business conducted which, in the view of the Exchange, increases the potential risk of loss to customers and members.

(8) The member organization's books and records are not maintained in accordance with the provisions of SEC Rules 17a-3 and 17a-4.

(9) The member organization is unable to demonstrate compliance with applicable net capital requirements.

(10) The member organization has substantial unsecured loans, advances or other similar receivables relative to its net capital position. For purposes of this provision, 15% is considered substantial.

(11) The member organization's subordinated capital equals or exceeds 40% of its debt-equity total, as defined under paragraph (d) of SEC Rule 15c3-1.

(12) The member organization is subject to undue concentration charges on proprietary positions, the aggregate market value of which equals or exceeds 25% of the total market value of all proprietary positions.

(13) The member organization is unable to clear and settle transactions promptly.

(14) The member organization is not in compliance, or is unable to demonstrate compliance, with SEC Rule 15c3-3 (Customer Protection-Reserves and Custody of Securities).

(15) The member organization is subject to the reporting provisions of SEC Rule 17a-11.

(b) If the Exchange determines that any of the conditions listed under Paragraph (a) of this Section exist, or otherwise determines that the member organization is guilty of (i) conduct inconsistent with just and equitable principles of trade, (ii) acts detrimental to the interest or welfare of the Exchange; or (iii) conduct contrary to an established practice of the Exchange, the Exchange may require that the member organization take appropriate action by effecting one or more of the following or similar steps, until such time as the Exchange determines otherwise:

(1) Promptly pay all free credit balances to customers.

(2) Promptly effect delivery to customers of all fully-paid securities in the member organization's physical possession or control.

(3) Introduce all or a portion of its business to another member organization on a fully-disclosed basis.

(4) Reduce the size or modify the composition of its inventory.

(5) Postpone the opening of new branch offices or require the closing of one or more existing branch offices.

(6) Promptly collect outstanding unsecured loans, advances or other similar receivables, where practicable.

(7) Accept no new customer accounts.

(8) Undertake an immediate audit by an independent public accountant at the member organization's expense.

(9) Restrict the payment of salaries or other sums to partners, officers, directors, shareholders or affiliated persons of the member organization.

(10) Effect liquidating transactions only.

(11) Accept unsolicited orders only.

(12) File special financial and operating reports.

(c) The provisions contained in this Section do not limit the Exchange's authority to use other standards or to impose other restrictions or take other action deemed appropriate under the circumstances in the public interest and for the protection of members and member organizations.

Commentary: .01 For purposes of this Rule, "SEC Rules" refer to the rules and regulations promulgated under the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

The principal purpose of the proposed rule change is to amend Exchange Rule VI to reflect the recent adoption of the Uniform Net Capital Rule, and to transpose the provisions of Rule VI to Rule V in order to reserve all of Rule VI for a new rule to be entitled "Exchange Options Trading" for which a separate Form 19b-4A has been filed.

The proposed rule change, by enumerating the conditions which alone or collectively will alert the Exchange to potential financial or operational problems of member organizations, and setting forth certain of the steps which, among other things, the Exchange may require a member organization to take as corrective action, relates to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act, and the rules and regulations thereunder. By conforming the provisions regarding the Exchange's authority to impose restrictions on its member organizations to the new Uniform Net Capital Rule, the proposed rule change will help prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and protect investors and the public interest.

Comments on the proposed rule change have not been solicited, and none have been received.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection ad copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 28, 1976.

[FR Doc.76-16400 Filed 6-4-76;8:45 am]

[Release No. 1249; SR-Amex-76-2]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

MAY 28, 1976.

On January 8, 1976, the American Stock Exchange, Inc., 86 Trinity Place, New York, 10006, 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 proposed rule changes to conform its Constitution and Rules to the requirements of the Act, as amended. The proposed rule changes related principally to membership and to disciplinary proceedings.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission release (Securities Exchange Act Release No. 12011 (Jan. 13, 1976)) and by publication in the FEDERAL REGISTER (41 FR 2873 (Jan. 20, 1976)). On May 4, 1966, the American Stock Exchange, Inc. withdrew a number of the proposed amendments and made certain technical revisions in the proposed rule changes.

The Commission finds that the proposed rule changes, as amended, are consistent with the requirements of the Act and the rules and regulations thereunder applicable to 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 above-mentioned proposed rule changes, as amended, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16393 Filed 6-4-76;8:45 am]

CINCINNATI STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 28, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

	File No.
CHAMPION HOME BUILDERS, INC. $1 Par Common	7-4820
EMERSON ELECTRIC CO. $1 Par Common	7-4821
RALSTON PURINA CO. $1.25 Par Common	7-4822

Upon receipt of a request, on or before June 13, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16394 Filed 6-4-76;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MAY 21, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 24, 1976 through June 2, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16395 Filed 6-4-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

MAY 28, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, 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 otherwise than on a national securities exchange is suspended, for the period from May 31, 1976 through June 9, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16396 Filed 6-4-76;8:45 am]

[Rel. No. 9307; 812-3711]

FOUNDERS OF AMERICAN INVESTMENT CORP., ET AL.

Application

MAY 27, 1976.

Notice is hereby given that Founders of American Investment Corporation ("Founders"), 1000 West Sunshine Street, Springfield, Missouri 65804, registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management company, National Investment Corporation, Inc. ("National"), 3301 Van Buren Street, Topeka, Kansas 66611, a Kansas corporation, and T. M. Murrell ("Murrell"), Bob C. Speake ("Speake") and R. Rex Lee ("Lee"), the principal executive officers of National (collectively, the "Applicants"), filed an application on October 18, 1974, and amendments thereto on February 4, 1975, March 5, 1975, November 5, 1975, and January 27, 1976, pursuant to Sections 17(b) and 3(b)(2) of the Act, which requests an order of the Commission (1) exempting from the provisions of Section 17(a) of the Act the proposed purchase by National, Murrell, Speake and Lee (collectively, the "Buyers") from Founders of 536,191 shares of the common stock of American Investors Life Insurance Company, Inc. ("American"), an affiliate of Founders and National and (2) declaring National to be a company primarily engaged in a business other than that of an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

THE APPLICATION PURSUANT TO SECTION 17(b)

Pursuant to an agreement dated October 10, 1974, as amended, the Buyers propose to acquire 536,191 shares of common stock of American from Founders at a price of $3.45 per share, or a total purchase price of approximately $1,850,109. National is to buy 405,757 shares, and Murrell, Speake, and Lee 43,478 shares each. After the purchase National will own 513,012 American shares or 35% of the number of outstanding, and the individual purchasers collectively will own 214,069, or about 15% of the number outstanding.

Section 17(a)(2) of the Act, in pertinent part, prohibits an affiliated person of an affiliated person of an investment company from buying any security from the investment company. Section 2(a)(3)(A) of the Act, in pertinent part, includes within the definition of an affiliated person of another person any person owning 5% or more of the outstanding voting securities of such other person, and Section 2(a)(3)(B) of the Act, in pertinent part, includes within the definition of affiliated person any person 5% or more of whose outstanding voting securities are owned by such other person. Section 2(a)(3)(D) of the Act, in pertinent part, includes any director within the definition of affiliated person.

Founders is a registered investment company. American is an affiliated person of Founders because Founders owns approximately 37 percent of American's common stock. National is an affiliated person of American because National owns seven percent of the voting stock of American. National is thus an affiliate of an affiliate of Founders. Murrell, Speake, and Lee, each of whom is a member of National's board of directors, are also directors of American, and are thus affiliated persons of American and thereby affiliates of an affiliated person of Founders. Thus, the proposed transaction involves the purchase of securities from an investment company by persons affiliated with an affiliate of such company and is in violation of Section 17(a)(2) of the Act.

Section 17(b) of the Act, however, directs the Commission upon application to exempt a proposed transaction from the provisions of Section 17(a) if it finds that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and are consistent with the general purposes of the Act.

Applicants contend that the purchase price in the proposed transaction, $3.45 per share, is fair and reasonable. They state that this price was derived from negotiations between the former management of Founders and certain unaffiliated third parties for the sale of the American stock, which negotiations did not come to fruition, and that this price was determined by use of a formula method of valuation previously used in a transaction which the Commission permitted.[1]

Applicants claim that this formula provides a rule-of-thumb method for evaluating life insurance company stock for purposes of block acquisitions. The formula is based on the premise that the fair value of life insurance company shares in such transactions is their book value, adjusted to reflect the value of the company's outstanding policies. Thus, the target company's paid-in-capital and surplus accounts (including a mandatory securities valuation reserve)[2] (i.e., its equity) is added to the value of its insurance in force, which value is estimated to be equal to one year's premium income, to reach adjusted book value.

Founders represents that it wishes to sell its interest in American principally to improve its own financial condition. National and the other prospective buyers, on the other hand, favor the transaction principally because it would enable the management of National to gain voting as well as operational control of American.

THE APPLICATION PURSUANT TO SECTION 3(b)(2)

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. As used in this section, "investment securities" include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

As a result of the Buyers' proposal to acquire 536,191 shares of the common stock of American from Founders, National, which would purchase 405,757 of such shares, would have 56 percent of the value of its total net assets invested in investment securities. National, therefore, may be considered to be an investment company within the meaning of Section 3(a)(3) of the Act.

Section 3(b)(2) of the Act provides, in pertinent part, that, notwithstanding Section 3(a)(3) of the Act, any issuer which the Commission, upon application by the issuer, finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses, is not an investment company. National contends that it is primarily engaged in the life insurance business, through its subsidiaries and its controlled companies, and will be so engaged after its acquisition of the American stock.

National was organized under Kansas law in 1967 as a holding company for life insurance companies. Its promoters were life insurance executives who have been and continue to be occupied primarily in the operation of insurance company affiliates of National and Founders. National has made several public offerings of its common stock, during which it has held itself out as a holding company for life insurance companies. Its insurance affiliates include Continental Investors Life Insurance Company, Inc. ("Continental"), a majority-owned subsidiary which National organized in 1968 to sell insurance in Colorado, and American, a Kansas corporation organized by Founders and National to sell insurance in the Midwest. National's other affiliates include three wholly-owned subsidiaries—National Properties and Finance Company ("National Properties"), which owns and manages the building in which National and its other affiliates let office space, A.I.L. Financial Programs, Inc. ("Financial Programs"), a marketing vehicle for policies issued by American, and A.I.L. Securities Company, Inc. ("A.I.L. Securities"), a registered broker-dealer. In addition, National owns about 4 percent of the outstanding shares of common stock of American Equity Fund, Inc. ("American Equity"), a registered investment company.

National represents that it is presently engaged in operating American and that after the acquisition it will both control and continue to operate American. National contends, therefore, that after giving effect to the proposed acquisition, more than 95 percent of its assets will be in majority-owned subsidiaries and controlled companies in the insurance business which are controlled and operated by National.

Notice is further given that any interested person may, not later than June 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants, c/o T. M. Murrell, at 3301 Van Buren Street, Topeka, Kansas 66611. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16305 Filed 6-4-76;8:45 am]

[Release No. 9309; 812-3951; 812-3952]

ISRAEL INVESTORS CORP. AND ICC HANDELS A. G.

Applications

JUNE 1, 1976.

Notice is hereby given that Israel Investors Corporation ("IIC"), 850 Third Avenue, New York, New York 10022, a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and ICC Handels A. G. ("Handels"), Chamberstrasse, 12C "Bellerive", Zug, Switzerland, a Swiss corporation affiliated with an affiliated person of IIC (hereinafter collectively referred to as "Applicants"), filed separate applications on April 30, 1976 and May 3, 1976, respectively, pursuant to Rule 17d-1 under Section 17(d) of the Act for orders permitting Applicants to engage in certain transactions involving standby commitments in connection with a public offering in Israel of 400,000 ordinary shares of Electrochemical Industries (Frutarom) Limited ("Electrochemical"), an Israeli company in which IIC presently has a controlling interest based upon its ownership of approximately 35% of the outstanding ordinary shares (common stock) of Electrochemical, and of which Handels presently owns approximately 14% of the ordinary shares. IIC's application additionally seeks an order pursuant to Section 17(b) of the Act exempting its proposed transaction with Electrochemical from the provisions of Section 17(a) of the Act. All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein, which are summarized below.

IIC was organized by American citizens and residents as a closed-end, non-

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[1] See, In the Matter of *Founders of American Investment Corporation, et al.*, 812-3503, ICA Rel. Nos. 8468 and 8519.

[2] The "formula method" has thus been slightly revised from the version applied in the earlier transaction (*supra* note 1); i.e., it now includes the securities valuation reserve in the capital account.

diversified management investment company for the principal purpose of investing in primary industries located in the State of Israel, such as Electrochemical. As a fundamental policy, it concentrates its investments in enterprises which are located in the State of Israel or which are doing business elsewhere in furtherance of the Israeli economy. Electrochemical, which was organized in 1952, is one of Israel's foremost manufacturers of basic chemicals, producing a variety of products, including caustic soda, caustic potash, potassium potash, potassium carbonate, chlorine, hydrogen, and materials for the plastic industry, and, in particular, polyvinyl-chloride. The application states that Electrochemical is now planning an expansion program of $45,000,000 to $50,000,000 to be carried out during the next five years. These expansion plans are said to include the development and construction of a new complex for manufacturing polyvinyl-chloride and polyvinyl-chloride resins in Israel.

Handels, a Swiss corporation, is a wholly-owned subsidiary of ICC Industries, Inc., a New York corporation which is privately owned and which is primarily engaged in the business of manufacturing, selling and trading in chemicals.

As the initial phase of its expansion program, Electrochemical will make a public offering in Israel of 400,000 of its ordinary shares, par value IL 100. IIC has orally made a standby commitment to Electrochemical to purchase up to 200,000 of the publicly offered shares not purchased by the general public within a designated subscription period. This purchase would be made at the public offering price of IL 100 per share, being the approximate book value per share of such stock as of December 31, 1975. Based on the current exchange rate of 13¢ for one Israeli pound, the purchase price in American currency would be $13 per share. At such rate, IIC's maximum aggregate purchase price under its standby commitment would be approximately $2,600,000, or approximately 8.5% of IIC's net assets as of December 31, 1975.

In conjunction with IIC's commitment, Handels has made a supplemental standby commitment to purchase any and all of the publicly offered Electrochemical ordinary shares, up to a maximum of 200,000 shares, not otherwise purchased by the general public or by IIC. Thus, if no shares were purchased by the public, the maximum extent of Handel's commitment, like that of IIC, would be to purchase 200,000 ordinary shares of Electrochemical at IL 100 per share, for an aggregate purchase price of $2,600,000.

Section 2(a)(3)(B) of the Act, as here pertinent, defines an affiliated person of another person as any person 5% or more of whose outstanding voting securities are directly owned by such other person. Thus, Electrochemical is an affiliated person of IIC, since IIC presently owns approximately 35% of its ordinary shares, and of Handels, which presently owns approximately 14% of its ordinary shares. Accordingly, Handels is an affiliated person of an affiliated person of a registered investment company (IIC).

Section 17(a) of the Act, which, in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from knowingly selling any security to such registered company, would prohibit Electrochemical from selling its securities to IIC pursuant to its standby commitment. However, Section 17(b) of the Act directs the Commission, upon application, to exempt a proposed transaction from the prohibitions of Section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, in pertinent part, prohibit an affiliated person of an affiliated person of a registered investment company, acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or arrangement in which such registered investment company is a participant with the affiliated person unless an application regarding such transaction has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to its adoption if not so submitted. A joint enterprise or other joint arrangement as used in Rule 17d-1 is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Thus, Section 17(d) and 17d-1 thereunder, would prohibit, absent a Commission order, the proposed arrangement whereby Handels, an affiliated person of Electrochemical and thus an affiliated person of an affiliated person of IIC, would commit itself to purchase any shares of a public offering not otherwise purchased by the public or by IIC, since the standby commitments of IIC and Handels to Electrochemical, though separate, were entered into with knowledge that the other was likewise being entered into, and with the expectation that the great bulk of the shares to be sold in the public offering would be acquired by the Applicants. Indeed, the commitment of Handels is specifically related to and contingent upon the commitment of IIC.

In passing upon an application pursuant to Rule 17d-1, the Commission will consider whether the participation of the registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The grounds for the request of IIC for exemption pursuant to Section 17(b) and the requests of IIC and Handels for relief pursuant to Rule 17d-1 are collectively summarized as follows:

(1) The proposed transaction is consistent with the policies of IIC as recited in its registration statements and reports filed with the Commission under the Act, since the transaction involves an investment in an enterprise located and doing business in the State of Israel which furthers the development of the Israeli economy, and which is deemed to be profitable by IIC's management. IIC would pay the same price for its shares as the public would pay, which price will be based on the book value of Electrochemical stock. Thus, it is represented that the terms of IIC's purchase commitment are reasonable and fair and do not involve overreaching on the part of either Electrochemical or IIC.

(2) It is represented that the terms upon which each Applicant would participate in the proposed transaction differ only in that Handels' commitment becomes operative only to the extent that ordinary shares of Electrochemical remain unsold after IIC has fulfilled its commitment to purchase up to 200,000 shares; and that such difference would not be disadvantageous to IIC because the primary nature of IIC's standby commitment will enable it to maintain its control position in Electrochemical and therefore its ability to promote, in accordance with its stated investment policies, the expansion of a company engaged in an industry vital to the development of the Israeli economy. Thus it is asserted that none of the parties to the proposed transaction would be participating on a basis less advantageous than that of any other party.

(3) It is asserted that the proposed transaction is consistent with the provisions, policies and purposes of the Act and that the exemptions requested are appropriate in the public interest and consistent with the protection of investors.

Notice is further given that any interested person may, not later than June 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an or-

der disposing of the applications will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16397 Filed 6-4-76;8:45 am]

[Release No. 19549; 70-5866]

MISSISSIPPI POWER & LIGHT CO.

Proposal To Issue and Sell Notes to Banks and Commercial Paper to a Dealer; Exception From Competitive Bidding

JUNE 1, 1976.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), P.O. Box 1640, Jackson, Mississippi 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell through January 1, 1978, short-term promissory notes to banks and commercial paper in an aggregate principal amount outstanding at any one time not in excess of 10% of the capitalization of the company, which is the maximum amount of unsecured borrowing permissible under the provisions of the companys' Restated Articles of Incorporation without a vote of outstanding preferred stock. Based on Mississippi's capitalization at March 31, 1976, the proposed notes will not exceed $44,000,0000 outstanding at any one time. Increases in this amount will be subject to the filing of a post-effective amendment by the company and a subsequent order of this Commission. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money.

The funds to be derived from the issuance and sale of the bank notes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's 1976 construction program is estimated at $48,044,000.

The proposed bank notes will be in the form of unsecured promissory notes, due not more than nine months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from the following banks up to the maximum amounts listed:

	(*in millions*)
Deposit Guaranty National Bank, Jackson, Miss.	$6
First National Bank of Jackson, Miss.	4
Manufacturers Hanover Trust Co., New York, N.Y.	6
Total	16

The names of any additional lending banks will be filed by amendment. Mississippi maintains daily operating balances with each of the Mississippi banks from which borrowings are proposed to be made to meet the requirements of such banks in respect of their service to the company. It may reasonably be expected that the New York City bank from which borrowings may be made would require the maintenance of compensatiig balances of up to 20% in respect of any such borrowings. Assuming that the balances maintained in the Mississippi banks for normal operating needs were required to satisfy compensating balances at the prevailing rate of 20% required by the New York bank, the effective interest cost of the related borrowings, based on a prime rate of 6¾%, would be approximately 8.44% per annum.

The proposed commercial paper will be in the form of unsecured promissory notes, issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to Merrill Lynch, Pierce, Fenner & Smith ("Merrill Lynch") at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Merrill Lynch, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (nonpublic) at a discount of ⅛ of 1% per annum less than the prevailing discount rate of the company. No commission or fee will be payable to Merrill Lynch in connection with the issuance and sale of the commercial paper. The commercial paper will not be prepayable prior to maturity. It is expected that Mississippi's commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, Merrill Lynch, pursuant to a verbal repurchase agreement, may repurchase the notes and reoffer the same to others in its specified group of customers.

Mississippi asserts that the issue and sale of the commercial paper should be expceted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper. Mississippi also requests that it be allowed to file its certificate under Rule 24 with respect to the proposed transactions on a quarterly basis.

Mississippi's fees, commissions, and expenses to be incurred in connection with the proposed issue and sale of the bank notes and commercial paper are estimated to be less than $4,000. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16398 Filed 6-4-76;8:45 am]

[Rel. No. 9308; 812-3945]

WEEDEN TAX EXEMPT BOND TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND WEEDEN & CO.

Application

MAY 28, 1976.

Notice is hereby given that Weeden Tax Exempt Bond Trust, Series 1 ("First Trust"), 25 Broad Street, New York, New York 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act") and its sponsor, Weeden & Co. ("Sponsor") (hereinafter the Sponsor and the First Trust are referred to collectively as "Applicants"), have filed, on April 23, 1976, an application and an amendment on May 25, 1976, pursuant to Section 6(c) of the Act for an order of the Commission exempting the First Trust and subsequent Series as defined below (hereinafter referred to collectively as "Trusts" and severally as

"Trust") from the provisions of Section 14(a) of the Act, and exempting the frequency of capital gains distributions of the Trusts and the secondary market operations of Sponsor from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Sponsor has filed a Form S-6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering a maximum of 30,000 Units of fractional undivided interests in the First Trust to be offered to investors at a public offering price set forth in the prospectus included in the S-6 Registration Statement (including 5,000 Units registered for secondary market purposes). The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N-8A Notification of Registration and a Form N-8B-2 Registration Statement under the Act relating to the First Trust.

Each Trust will be governed by a trust agreement for that Trust (hereinafter called the "Agreement"), which will be executed prior to the time the registration statement under the Securities Act of 1933 for such Trust becomes effective, and under which the Sponsor will act as such, The United States Trust Company as Trustee, and Standard & Poor's Corporation will act as Evaluator. The Agreement for each Trust will contain standard terms and conditions of trust common to all Trusts. Pursuant to the Agreement, the Sponsor will deposit with the Trustee bonds which the Sponsor shall have accumulated for such purpose in an amount at least equal to the aggregate principal amount of the Units to be offered. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for the Units which will represent the entire ownership of the respective Trust. These Units will in turn be offered for sale to the public by the Sponsor.

Applicants state that such bonds will not be pledged or be in any other way subjected to any debt at any time after the bonds are deposited in the Trusts except for the lien of the Trustee as security for certain liabilities as set forth in the Agreement. All of such bonds will be interest-bearing obligations of states and territories of the United States, and political subdivisions and authorities thereof, the interest on which is exempt from federal income taxation.

The assets of each Trust will consist of the bonds initially deposited, such other bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refundings, accrued and undistributed interest, and undistributed cash. Certain of these bonds may from time to time be sold under the special circumstances set forth in the Agreement with respect to such Trust or may be redeemed or may mature in accordance with their terms. The proceeds from such disposition will be distributed to certificateholders and not reinvested. There is no provision in the Agreement for the sale and reinvestment of the bonds, and such activity will not take place.

Each Unit of each Trust will represent a fractional undivided interest in that Trust and will be redeemable. In the event that any unit shall be redeemed the portion of the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement with respect to such Trust. The Agreement may be terminated with respect to any of the Trusts upon approval by 66⅔% of the certificateholders of such Trust or, in the event that the value of the bonds in such Trust shall fall below 40% of the principal amount of the bonds initially deposited in such Trust, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for the issuance of any units after the initial offering of units (except to the extent that the secondary trading by the Sponsor in the units is deemed the issuance of units under the Act) and such activity will not take place.

While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for units of each of the Trust and continuously to offer to purchase such units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market, certificateholders may only be able to dispose of their units by redemption.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities: (a) have a net worth of $100,000, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of units of the Trusts as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees: (i) to refund on demand and without deduction the sales load to purchasers of units of any Trust if, within 90 days after the registration of such Trust under the Securities Act of 1933 becomes effective, the net worth of such Trust shall be reduced to less than $100,000, or if such Trust is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each Trust that if such Trust shall at any time have a net worth of less than 40% of the principal amount of bonds initially deposited in such Trust as a result of redemption by the Sponsor of units constituting a part of the unsold units, the Trustee shall terminate such Trust in the manner provided in the Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchasers of units purchased from the Sponsor on demand and without any deduction.

RULE 19b-1

Rule 19b-1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of said Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to certificateholders of each Trust shall be made monthly. Distributions of principal constituting capital gains to certificateholders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Trusts will be distributed to a certificateholder on the next distribution date; and (2) if units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption, each certificateholder will receive his pro rata portion of the proceeds from the bonds sold over the amount required to satisfy such redemption distribution. In such instances, a certificateholder may receive in his distribution funds which constitute capital gains, since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Trusts in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, the Trusts would be forced to hold any monies which would constitute capital gains upon distribution until the end of their taxable years. The application contends that such a practice would clearly be to the detriment of the certificateholders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor any of the Trusts has control over events which might trigger capital gains, i.e.,

the tendering of units for redemption and the prepayment of portfolio bonds by the issuing authorities. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to certificateholders as a return of principal.

RULE 22c-1

Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase the Units in the secondary market at prices based on the offering side evaluation of the bonds in the Trust, determined on the last business day of each week, effective for all sales made during the following week.

To avoid the Sponsor receiving more than the specified sales charge on the resale of Units, the Sponsor has undertaken not to resell any Units which it may repurchase at a price below the offering side evaluation of the Bonds in the Trust.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Under these circumstances the applicants contend that the exemption of the Sponsor from the provisions of Rule 22c-1 will in no way affect the operations of the Trust and will benefit the Certificate holders by providing a repurchase price for their Units which is in excess of the current net asset value of such Units as computed for redemption purposes.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed, or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that the Rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset values; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c-1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c-1 will not be offended by the Sponsor's secondary market activities. Applicants assert that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Certificateholders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their units than they could by redeeming their units at the current net asset value and that this will be accomplished without the cost burden to the Trust of daily evaluations of the unit redemption value.

Applicants also contend that speculation in units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Applicants therefore request an exemption from the provisions of Rule 22c-1 for Series 1 and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of units of such Series.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-16399 Filed 6-4-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 62]

ASSIGNMENT OF HEARINGS

JUNE 2, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141032 (Sub 1), Alco Bus Corporation, now assigned June 15, 1976 (3 days), at Madison, Wisconsin is now cancelled and transferred to Modified Procedure.

MC-C 8778, Hilt Truck Line, Inc.—Investigation and Revocation of Certificates, now being assigned September 27, 1976 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 273, Hilt Truck Line, Inc., now being assigned September 29, 1976, (3 days), at Omaha, Nebr., in a hearing room to be later designated.

AB 1 Sub 51, Chicago, and North Western Transportation Company Abandonment Between Burt And Halfa In Kossuth, Palo Alto, And Emmet Counties, Iowa, now being assigned October 4, 1976 (3 days) at Algona, Iowa, in a hearing room to be later designated.

AB 3 (Sub 10), Missouri Pacific Railroad Company Abandonment Between Bronson and Iola, In Allen and Bourbon Counties, Kansas now assigned June 8, 1976 at Iola, Kansas, is now being postponed indefinitely.

MC 128273 Sub 203, Midwestern Distribution, Inc., now being assigned September 14, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 126276 Sub 127 and MC 126276 Sub 139, Fast Motor Service, Inc., now being assigned September 16, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 123407 Sub 271, Sawyer Transport, Inc., now being assigned September 20, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114028 Sub 20 and MC 114028 Sub 23, Rowley Interstate Transportation Company, Inc., now being assigned September 21, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 127303 Sub 19, Henry Zelimer, DBA Zelimer Truck Lines, now being assigned September 23, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16425 Filed 6-4-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 2, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 22, 1976.

FSA No. 43171—*Joint Water-Rail Container Rates—Mitsui O.S.K. Lines, Ltd.* Filed by Mitsui O.S.K. Lines, Ltd., (No. 103), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, The Peoples Republic of China, Taiwan and Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16427 Filed 6-4-76;8:45 am]

[Sec. 5a Application No. 52, Amdt. No. 3]

FREIGHT FORWARDERS CONFERENCE

Agreement

MAY 18, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 6, 1976 by: S. Sidney Eisen, 370 Lexington Avenue, New York, NY 10017, (Attorney for Applicants).

The Amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16422 Filed 6-4-76;8:45 am]

[Sec. 5a Application No. 87; Amdt. No. 6]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS, INC.

Agreement

MAY 18, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 10, 1976 by: Robet E. Born, Born and May, P.C., Suite 400, 1447 Peachtree St., N.E., Atlanta, GA 30309, (of Counsel).

The Amendments involve: Changes to comply with Ex Parte 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice to the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16423 Filed 6-4-76;8:45 am]

[Notice No. 263]

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 July 5, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participating 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, and 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-76457, filed May 14, 1976. Transferee: Manley Terminals, Inc., Box 955, Homer, Alaska 99603. Transferor: James C. Manley, Doing Business As Manley Company Truck Freight Terminal, Box 955, Homer, Alaska 99603. Applicants' representative: A. Robert Hahn, Jr., Esquire, 542 W. Second Avenue, Anchorage, Alaska 99501. Authority sought for purchase by transferee of Certificate of Registration No. MC 121740 issued October 4, 1974, to transferor, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Permit No. 385 dated April 22, 1974, issued by the Alaska Transportation Commission. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76473, filed March 18, 1976. Transferee: David Trebus and Charles L. Johnson, Doing Busines as River Falls Transfer, River Falls, Wisconsin 54022. Transferor: Wilbur Miller and David Trebus, Doing Business as Miller Truck Line, River Falls, Wisconsin 54022. Applicants' representative: F. H. Kroeger, 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 5857 issued August 13, 1964, as follows: (1) livestock and agricultural commodities, from specified points in Wisconsin to specified points in Minnesota, and (2) general commodities, from specified points in Minnesota to specified points in Wisconsin and from River Falls, Wis., to Minneapolis, Minn. Transferee presently holds no authority from this Commission.

No. MC-FC-76495, filed May 10, 1976. Transferee: Kenneth Eugene Nanney, Doing Business As Kenneth Eugene Nanney Trucking, 2007 Kentucky, Sikeston, MO 63801. Transferor: Eugene Nanney, 827 Harvard, Sikeston, MO 63801. Applicants' representative: Weber Gilmore, Esquire, Gilmore & Gilmore, P.O. Box 39, 217 South Kingshighway, Sikeston, MO 63801. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 128250 Sub 2, issued September 10, 1971, as follows: Beer, from Peoria, Ill., and Evansville, Ind., to Sikeston and Poplar Bluff, Mo. Transferee presently

holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76508, filed April 4, 1976. Transferee: Hernz Transportation Limited, 116 East 25th Street, New York, N.Y. 10010. Transferor: Ransom Bros., Inc., 5718 Second Avenue, Brooklyn, New York. Applicants' representative: Morris Honing, 150 Broadway, NE, New York, N.Y. 10038. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 84832, issued September 29, 1961, as follows: household goods as defined by the Commission, between New York, N.Y., on the one hand, and, on the other points in New York, Connecticut, New Jersey and Pennsylvania. Transferee presently holds no authority from this Commission.

No. MC-FC-76531, filed April 20, 1976. Transferee: Harnum Transport, Inc., 867 Woburn St., Wilmington, Mass. 01887. Transferor: G. H. Harnum, Inc., 867 Woburn St., Wilmington, Mass. 01887. Applicants' representative: Frank J. Weiner, Attorney-at-Law, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee of that portion of the operating rights of transferor, as set forth in Certificates Nos. MC 6801, MC 6801 (Sub-No. 6), and MC 6801 (Sub-No. 8), issued February 4, 1964, June 26, 1974, and March 9, 1971, respectively, as follows: Contractors' supplies and equipment, in bulk, between Boston, Mass., and points within five miles of Boston, Mass., on the one hand, and, on the other, points in Connecticut and Rhode Island, and a described area in New Hampshire; factory equipment and supplies, in bulk, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; commodities requiring special equipment or handling for the transportation thereof, in bulk, between Springfield, Mass., on the one hand, and, on the other, points in Massachusetts on and west of Massachusetts Highway 12, and between Springfield, Mass., and points within 15 miles of Springfield on the one hand, and, on the other, Pawtucket and Providence, R.I., and points in Connecticut; and such articles necessary to the use or the installation of machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, and sound equipment, in bulk, between Springfield, Mass., and points within 15 miles of Springfield, on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76566 filed May 24, 1976. Transferee: Daugherty's K. and K. Trucking Company, LTD., 1460 Newtown Road, Lexington, Kentucky 40505. Transferor: Kendall R. Stewart and Kenneth W. Stewart, Doing Business As K & K Stewart Trucking Company, Ky. Hy. 15, P.O. Box 126, Clay City, Kentucky 40312. Applicants' representative R. H. Kinker, P.O. Box 464, Frankfort, Kentucky 40601. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 140448 (Sub-No. 1) issued January 27, 1976, as follows: Coal in bulk, from points in Breathitt, Clay, Floyd, Jackson, Johnson, Knox, Laurel, Lee, Magoffin, Owsley, Perry, Rockcastle, Wolfe, and Whitley Counties, Ky., to Cincinnati, Columbus, Dayton, Fairborn, Hamilton, Middletown, and Springfield Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76568, filed May 4, 1976. Transferee: Highway Service, A Corporation, 548 Pine Street, Elizabeth, NJ 07206. Transferor: Michael Gray, Doing Business As Highway Service, Route 1 and North Avenue, Elizabeth, NJ 07206. Applicants' representative: Mr. Morton E. Kiel, Practitioner, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 129899, issued October 2, 1969, as follows: Wrecked, disabled, stolen, and repossessed motor vehicles, by use of wrecker equipment only, between points in New Jersey and New York, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Ohio, Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76597, filed May 20, 1976. Transferee: LEGGETT EXPRESS, INC., 69 Leggett Street, East Hartford, Connecticut 06108. Transferor: C & M Express Co., Inc., 69 Leggett Street, East Hartford, Connecticut 06108. Applicants' attorney: John E. Fay, Esquire, 630 Oakwood Avenue, West Hartford Connecticut 06110. Authority sought for purchase by transferee of the operating rights evidenced by Certificate of Registration No. MC 121463 (Sub-No. 1), issued April 7, 1964, as follows: general commodities with specified exceptions, from, to and between all points within the state of Connecticut. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76598, filed May 19, 1976. Transferee: Consolidated Motor Express, Inc., 910 Grant Street, Bluefield, W. Va. 24701. Transferor: West End Transfer, Inc., 1624 College Ave., Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 113298 and MC 113298 (Sub-No. 1), issued March 29, 1971 and July 27, 1972, respectively, as follows: Household goods as defined by the Commission, between Oceana, W. Va., and points within 10 miles thereof in Wyoming County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, Virginia, North Carolina, Tennessee, Kentucky, and the District of Columbia; and rock dust and gravel, from points in Tazewell County, Va., and Mercer County, W. Va., to points in Pike, Letcher, Harlan, Knott, and Martin Counties, Ky., Logan, Mino, Kanawha, McDowell, Mercer, Summers, Raleigh, Boone, Greenbrier, Fayette, and Wyoming Counties, W. Va., and Bland, Tazewell, Russell, Wise, Giles, Buchanan, Dickenson, Lee, and Scott Counties, Va. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 8744 and subs thereafter. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16428 Filed 6-4-76;8:45 am]

[Notice No. 264]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JUNE 14, 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 July 4, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76413. By order of May 27, 1976 the Motor Carrier Board approved the transfer to S & K Trans. Inc., Dover, Delaware, of the operating rights set forth in Certificates Nos. MC 1838, MC 1838 (Sub-No. 2), MC 1838 (Sub-No. 3), MC 1838 (Sub-No. 5), MC 1838 (Sub-No. 7), and MC 1838 (Sub-No. 9), issued July 9, 1953, October 6, 1965, December 18, 1964, March 31, 1966, January 27, 1970, and August 25, 1970, respectively, authorizing the transportation of building materials and articles used in the

manufacture thereof, gypsum and gypsum products (except liquid commodities in bulk, in tank vehicles, except fly ash, in bulk, in tank vehicles, and except lumber), pulpboard, and scrap paper and materials and supplies used in the manufacture and distribution of pulpboard, from, to, and between specified points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. David M. Marshall, Esq., 135 State Street, Suite 200, Springfield, Mass., 01103 and William J. Hirsch, Esq., 43 Court Street, Buffalo, New York, 14202, attorneys for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16429 Filed 6-4-76;8:45 am]

[Notice No. 68]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 1, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76177 (Sub-No. 331TA), (Correction), filed May 11, 1976 published in the FEDERAL REGISTER issue of May 21, 1976, republished as corrected this issue. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's Harold G. Hernly, 188 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs which are designated sensitive by the United States Government*, between points in the United States (except Alaska and Hawaii.) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of of the Army, Washington, D.C. 20310. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

NOTE.—The purpose of this republication is to include Government, and points in the United States as destination point.

No. MC 103498 (Sub-No. 20TA), filed May 13, 1976. Applicant: W. D. SMITH doing business as W. D. SMITH TRUCK LINES, INC., P.O. Drawer 68, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles and pilings* from Gulfport, Miss.; Mobile, Ala.; Urania, La.; to points in Louisiana, Arkansas, Minnesota, Nebraska, Texas, Oklahoma, Missouri, Kansas and Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corporation, Southern Regional Transportation Office, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: District Supervisor William H. Land, Jr. 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 107295 (Sub-No. 815TA), filed May 14, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio, and the District of Columbia, restricted to traffic originating at the above named plant site and storage facilities of Butler Manufacturing Company, at Annville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Howard L. Miller, Plant Manager, Butler Manufacturing Co., 400 North Weaber, P.O. Box F., Annville, Pa. 17003. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108207 (Sub-No. 443TA), filed May 14, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* 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, and frozen foods, from Omaha, Nebr., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Omaha Steaks International, 4400 South 96th St., Omaha, Nebr., Morton Meats of Omaha, 1211 Howard Street, Omaha, Nebr. 68102, Coast Packing Co. of Omaha, Inc. 13838, Industrial Road, Omaha, Nebr., Shukert Meats, Inc. 5014 Williams, Ohama, Nebr., Campbell Soup Company, Inc. 1202 Douglas, Omaha, Nebr. Send protests to: Opal M. Jones, Trans. Asst, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 126920 (Sub-No. 3TA), filed May 13, 1976. Applicant: ROBERT L. HERZOG, R. D. No. 3, Valley Road, Smethport, Pa. 16749. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from the plantsite of Pierce Glass, an Indian Head Company, at Port Allegany, Pa. to Freeport, Monticello, Rockford, Northfield, and Watseka, Ill., and Iowa City, Iowa, and Detroit, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pierce Glass, an Indian Head Company, Port Allegany, Pa. 16743. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave. Pittsburgh, Pa. 15222.

No. MC 123392 (Sub-No. 67TA), filed May 17, 1976. Applicant: JACK B. KELLEY, INC., Rt. 1 Box 400, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in cryogenic trailers, from Clinton, Iowa to Calumet City, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cosden Oil and Chemical Company Box 178, Calumet City, Ill. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 126898 (Sub-No. 3TA), filed May 13, 1976. Applicant: BULLDOG HIWAY EXPRESS, P.O. Box 506, Charleston, S.C. 29402. Applicant's representative: R. D. Moselev (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand* in bags, from plant site of Dawes Silica Mining Co. near Eden, Ga. to points within 25 miles of Charleston, S.C., for 180 days. Supporting shipper: Carolina Engine & Equipment Co., 2686 Industrial Avenue, Charleston Heights, S.C. Send protests to: E. E. Stroteid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 138069 (Sub-No. 5TA), filed May 12, 1976. Applicant: LUCIUS, INC., 9250 North Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and nonalcoholic beverage mixes*, from Lawrenceburg, Ind.; and Frankfort, Owensboro, and Lawrenceburg, Ky.; and their commercial zones, to Denver, Colo., and its commercial zone, restricted to traffic originating at the origin points and destined to the facilities of Midwest Liquor & Wine Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Liquor & Wine Company, 10700 E. 40th Avenue, Denver, Colo. 80230. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colorado 80202.

No. MC 138151 (Sub-No. 2 TA), filed May 13, 1976. Applicant: OREGON RUBBER CO., 390 West 11th Avenue, Eugene, Oreg. 97401. Applicant's representative: J. W. McCracken, Jr., 975 Oak Street, Suite 620, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from points in Oregon, to points in New Mexico, for 180 days. Supporting shipper: Eugene Lumber Sales, Inc., 520 Chambers Street, Eugene, Oreg. 97401. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 20423.

No. MC 142057R (Sub-No. 1), filed May 17, 1976. Applicant: WALKER'S EXPRESS, 4354 Twain Avenue, Suite C, San Diego, Calif. 92120. Applicant's representative: Walker's Express (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aerospace missiles and rockets* between White Sands, N. Mex. and Point Mugu, Calif. and San Diego, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Dynamics Corp., Convair Division, 3302 Pacific Hiway, San Diego, Calif. 92138. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142060TA, filed May 17, 1976. Applicant: NASH TRUCKS, INC., Box 158, Altamont, Kans. 67330. Applicant's representative: Clyde N. Christev, 514 Capitol Federal Bldg., 700 Kansas, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Council Bluffs and Sioux City, Iowa; Hannibal, Joplin, Kansas City, and St. Louis, Mo.; Nebraska City and Omaha, Nebr.; Carlsbad, N. Mex.; Port of Catoosa and Pryor, Okla.; and Borger, Brownsfield, Dimmitt, Kerens, and Littlefield, Tex., to points in Kansas and Nebraska, under a continuing contract with C & S Trading and Brokerage, Inc., d/b/a CSTB, Inc., for 180 days. Supporting shipper: C & S Trading and Brokerage, Inc., d/b/a CSTB, Inc., P.O. Box 182, 1614 Grand, Parsons, Kans. 67357. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 142061TA, filed May 13, 1976. Applicant: HOBIN LUMBER COMPANY, P.O. Box 709, Philomath, Oreg. 97370. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, ridge, undercourse, and shims* from points in Grays Harbor and Pacific Counties, Wash., to points in California. Supporting shippers: T & J Cedar, Inc., Box 111, Raymond, Wash. 98577, R. D. McDonald Cedar Products, Inc., P.O. Box 60, Neilton, Wash. 98566., Quinalt Tribal Shake Mill, P.O. Box 291, Moclips, Wash. 98562, Red Cedar Products, Inc., Route 1, Box 300, Amanda Park, Wash. 98526. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 142062TA, filed May 13, 1976. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Interior ceiling systems, parts thereof, and accessories therefor* (except in bulk), from the facilities of The Celotex Corporation at or near Lagro, Ind., to points in California, Oregon, Washington, Idaho, Nevada, Arizona, and Utah, and *returned or rejected shipments*, from states named above to the facilities of The Celotex Corporation at or near Lagro, Ind., under a continuing contract with The Celotex Corporation for 180 days. Supporting shipper: Celotex Corporation, P.O. Box 22602, Tampa, Fla. 33607. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 142064TA, filed May 13, 1976. Applicant: CAROLINA CARPET CARRIERS, INCORPORATED, P.O. Box 6, Williamston, S.C. 29697. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, carpet tiles, carpet samples, rugs, adhesives*, and *materials, equipment, and supplies* used in the installation of carpets, carpeting, and carpet tiles, from the plantsites of and warehouse facilities utilized by Commercial Affiliates, Inc., and its wholly owned marketing corporations, Commercial Carpet Corp., Robertson Carpets, Inc., and Viking Carpets, Inc., located at or near Greenville, S.C., to points in the United States west of the states of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and (2) *returned, rejected, and damaged commodities* described in (1), from the destinations points in (1), to the origin points in (1), under a continuing contract with Commercial Affiliates, Inc., and its wholly owned marketing corporations, for 180 days. Supporting shippers: Commercial Affiliates, Inc., 10 West 33rd Street, New York, N.Y. 10001, Commercial Carpet Corp., Robertson Carpets, Inc., Viking Carpets, Inc. Send protests to: E. E. Strotheid, District Supervisor, ICC, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142065TA, filed May 17, 1976. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., Post Office Box 232, Mulberry, Ark. 72947. Applicant's representative: L. C. Cypert, Suite 3, 204 Highway 71 North, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food preparations, ingredients, or additives* (except in bulk, in vehicles equipped with mechanical refrigeration), between Russellville, Ark., and Searcy, Ark., on the one hand, and, on the other, points in Arizona, California, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, and Wisconsin, under a continuing contract with Morton Frozen Food, for 180 days. Supporting shippers: Morton Frozen Food, 2007 Earhart Street, Charlottesville, Va. 22906. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142067TA, filed May 18, 1976. Applicant: ALBUQUERQUE CAB COMPANY, INC., 6601 Gibson Avenue, SE., Albuquerque, N. Mex. 87108. Applicant's

representative: Briggs F. Cheney, American Southwestern Plaza, Suite 9 West, 2403 San Mateo Blvd., NE. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages* up to 50 pounds, restricted to traffic having an immediately prior or subsequent movement by air, bus, or rail, between points in New Mexico, for 180 days. Supporting shipper: West America Communications Supply Co., Inc., 4408 Menaul, NE., Post Office Box 8332, Albuquerque, N. Mex. 87110, BoMur Electric Company, Inc., Post Office Box 406, Albuquerque, N. Mex. 87103. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16430 Filed 6-4-76;8:45 am]

[Amdt. No. 3 to Rev. ICC Order No. 131 Under Rev. S.O. No. 994]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting Traffic

To All Railroads:

Upon further consideration of Revised I.C.C. Order No. 131 (The Baltimore and Ohio Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 131 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., November 30, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 31, 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., May 25, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-16424 Filed 6-4-76;8:45 am]

[No. MC-C-8994]

GLENGARRY TRANSPORT LTD.

Petition for Declaratory Order—International Bridge; Exemption

JUNE 1, 1976.

Notice To All Parties:

At the request of Robert D. Gunderman, representative for several motor carriers, the time for filing comments in the above-entitled proceeding has been extended from June 7, 1976 to June 30, 1976, only.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16426 Filed 6-4-76;8:45 am]

federal register

MONDAY, JUNE 7, 1976

PART II:

FEDERAL ELECTION COMMISSION

■

FEDERAL ELECTION CAMPAIGN ACT

■

Proposed Rulemaking

FEDERAL ELECTION COMMISSION

[11 CFR Part 121]

[Notice 1976-29]

FEDERAL ELECTION CAMPAIGN ACT

Notice of Proposed Rulemaking; Correction

The Federal Election Commission on May 26, 1976, at 41 FR 21572, published its proposed regulations on Convention Financing. The heading and two sections in Part 121 were inadvertently omitted from the published version. The Commission today publishes a correction of Part 121 Limitation of Expenditures heading and §§ 121.1 and 121.2. It should follow the definition of "Secretary" on page 21598 and precede "§ 121.3 Exception".

Dated: June 1, 1976.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

PART 121—LIMITATION OF EXPENDITURES

Sec.
121.1 Major parties.
121.2 Minor parties.
121.3 Exception.
121.4 Expenditures by municipal and private corporations.
121.5 Expenditures by individuals.

AUTHORITY: Sec. 404(c)(13), 88 Stat. 1293, amending 26 U.S.C. § 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

§ 121.1 Major parties.

Except as provided by § 121.3, the national committee of a major party may not incur convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under § 122.1, whether or not the national committee elects to receive any of its entitled funds.

§ 121.2 Minor parties.

Except as provided by § 121.3 the national committee of a minor party may not incur convention expenses with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under § 122.1, whether or not the national committee elects to receive any of its entitled funds.

[FR Doc.76-16259 Filed 6-4-76;8:45 am]

federal register

MONDAY, JUNE 7, 1976

PART III:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Prohibitions and Permits for Exceptions

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 17, 13]

GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Prohibitions on Certain Uses of Endangered or Threatened Plants, Permits for Exceptions to Such Prohibitions, and Related Items

The Director, U.S. Fish and Wildlife Service (hereinafter the Director) hereby issues a notice of proposed rulemaking. The proposed regulations, if adopted, would impose certain prohibitions on interstate transportation for commercial purposes, importation, exportation, and related activities involving plants which have been determined to be Endangered or Threatened Species pursuant to Section 4 of the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531–1543) (hereinafter the Act). These prohibitions would also apply to seeds, roots, and other parts of such plants.

In addition, these proposed regulations serve several other functions:

(1) They provide for treatment of non-endangered or non-threatened plants as Endangered or Threatened Species if such treatment would enhance enforcement and provide added protection to the Endangered or Threatened Species;

(2) They establish procedures, conditions and criteria for the application for and issuance of permits to conduct certain otherwise prohibited activities; and,

(3) Where appropriate, they amend various existing, related regulations to make those regulations applicable to plants.

BACKGROUND

The 1973 Act, unlike its predecessors, applies to both the plant and the animal kingdoms. On December 28, 1973, the effective date of the Act, no lists of Endangered or Threatened plants had been assembled. Section 12 of the Act reads as follows:

ENDANGERED PLANTS

SEC. 12. The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after the date of the enactment of this Act, the results of such review including recommendations for new legislation or the amendment of existing legislation.

Under cover of a letter dated January 9, 1974 (the published date of this letter is in error and should be January 9, 1975), S. Dillon Ripley, Secretary of the Smithsonian Institution, transmitted the report and recommendations of the Smithsonian Institution to the Honorable Carl Albert, Speaker of the U.S. House of Representatives. This report subsequently was published as House Document Number 94–51 of the 94th Congress, 1st Session, and is entitled "Report on Endangered and Threatened Plant Species of the United States", Serial No. 94–A. Copies are available from the U.S. Government Printing Office, Washington, D.C.

That Report contains lists of vascular plants of the United States which the authors consider to be Endangered or Threatened Species. Several thousand copies of that Report have been distributed. Recipients include, among others: each State, the various Federal conservation and land-managing agencies, members of the botanical scientific community and other interested parties.

On July 1, 1975, a Notice was published in the FEDERAL REGISTER (Vol. 40, No. 127, Part V) advising interested parties that the Service had received the Smithsonian Report; considered it a "petition" as provided for in Section 4(c)(2) of the Act, and was proceeding to review the status of the plants identified in that Report to determine whether any or all were Endangered or Threatened Species within the meaning of the Act. That FEDERAL REGISTER entry also contains the names of about 3,000 plants which are identified in the Smithsonian Report and advises that 4 other plants are under review as announced in the FEDERAL REGISTER (Vol. 40, No. 77, p. 17612) dated April 21, 1975.

Several thousand copies of that July 1, 1975 FEDERAL REGISTER entry have also been distributed to, among others: each State governor, conservation and land-managing agencies, Federal construction agencies, the scientific community, botanical and horticultural interests and other interested public and private parties.

On September 26, 1975, the Director caused to be published in the FEDERAL REGISTER (Vol. 40, Number 188) a proposal to determine, among other things, an additional 45 floral taxa to be Endangered Species. On October 22, 1975, a correction of the comment period was published in the FEDERAL REGISTER (Vol. 40, No. 205). Information so far received by the Service substantiates the contention that most of those plants should in fact, be determined to be Endangered or Threatened Species within the meaning of the Act, and it is anticipated that the Service soon will make such determinations.

DESCRIPTION OF THE PROPOSAL

Determination that a plant is an Endangered or Threatened Species would, among other things, make that species, including its seeds, roots or other parts, subject to the prohibitions of Section 9 (a)(2) of the Act which reads as follows:

(2) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) Import any such species into, or export any such species from the United States;

(B) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(C) Sell or offer for sale in interstate or foreign commerce any such species; or

(D) Violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

Such determination also would make the Endangered or Threatened plant eligible for the protection provided by Section 7 of the Act which reads as follows:

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

It should be noted that these proposed regulations impose no restrictions upon the "taking" of an Endangered or Threatened plant; the intrastate sale of such plants; or the interstate movement of such plants unless such movement is in the course of a commercial activity involving a change of ownership of the plant. In this context, the term "commercial activity" is defined in Section 3(1) of the Act as follows:

(1) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade", as used in the above definition, were defined in the FEDERAL REGISTER (Vol. 40, No. 131, Part II) on July 8, 1975; as follows:

Industry or trade in the definition of commercial activity in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

In the case of Endangered Species of plants, these proposed regulations provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits would be available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

This proposal would amend Parts 13 and 17 of Subchapter B of Chapter I of Title 50 of the U.S. Code of Federal Regulations as described below.

1. The title of Subchapter B would be amended to make clear its applicability to certain plants as well as wildlife.

2. Sections 13.3 and 13.12 would be amended to include references to En-

dangered plant permits in addition to Endangered wildlife permits.

3. Section 13.21(b)(4) would be amended to require the Director to consider, when deciding whether to issue any permit pursuant to Part 13, whether any action authorized by such permit would pose any threat to any population of any plant or wildlife.

4. Section 13.42 would be amended to provide for the placement of specific, relevant information on the face of a permit authorizing certain activities relative to Endangered or Threatened plants as presently is the case for such permits involving wildlife.

5. Section 13.46 is amended to specify the records that must be maintained by persons receiving permits to carry out activities involving Endangered or Threatened plants.

6. Section 13.47 is amended to allow the Director's agent, at any reasonable hour, to enter the premises where any Endangered or Threatened plant is maintained for the purposes of inspecting any such plant or to inspect, audit or copy any permits, books, or records the permittee is required to maintain which relate to the plant in question.

The following comments pertain to proposed amendments of Part 17. The current version of those regulations was published in the FEDERAL REGISTER on September 26, 1975, and may be found in Part II of Vol. 40, Number 188.

1. Section 17.3 is amended by adding a definition of "Plant" to the existing list of definitions.

2. A new § 17.12 is added which explains the format and layout of the List of Endangered and Threatened Plants. The format and layout of this list have been made as similar to those of the List of Endangered and Threatened Wildlife (§ 17.11) as possible. This similarity should enable persons familiar with the List of Endangered and Threatened Wildlife to more readily comprehend the List of Endangered and Threatened Plants and vice versa.

3. Section 17.50 is amended to make the Similarity of Appearance provisions of Section 4(e) of the Act applicable to plants as well as wildlife.

4. Section 17.51 is amended to authorize the treatment of any species of plant listed pursuant to paragraph 17.50 as if it were an Endangered or Threatened Species, as appropriate.

5. Section 17.52 is amended to provide authority to issue permits for species of plants which have been listed pursuant to paragraph 17.50 and are being treated as Endangered or Treatened Species.

6. A new subpart G is provided which sets forth those prohibitions that apply to Endangered Species of plants; delineates the procedures to apply for permits for exceptions to those prohibitions; outlines the criteria used in evaluating such applications; prescribes conditions which may be attached to the issuance of any such permit and specifies the duration for which such permits may be valid.

7. A new subpart H is provided which sets forth the same considerations for Theatened Species of plants as are provided in subpart G for Endangered Species of plants.

PUBLIC COMMENTS SOLICITED

The final rulemaking is intended to provide for the effective conservation of Endangered and Threatened Species of plants. Therefore, comments and suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning these proposed rules are hereby solicited.

The Service is aware that these proposed regulations, together with the forthcoming proposal to determine certain native plant species as Endangered, could have a significant impact. It is hoped that comments to the Service will bring out any potential problem areas so that our final rules will be effective, equitable and conducive to voluntary compliance. Therefore, the Service will hold several public hearings in various areas of the country relating to these proposed regulations, jointly with the Endangered plant proposal, before any final rulemakings are published. The dates, times and locations of these public hearings will be announced in the FEDERAL REGISTER and press releases in the near future. It is planned that this proposal and the proposal to determine native plants as Endangered Species will be considered together, and may be implemented together. If necessary, the period for comments on this proposal will be extended.

The final rulemaking and promulgation of plant regulations will take into consideration the comments received by the Director. Such comments and/or additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than August 9, 1976 will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours (7:45 a.m.-4:15 p.m.) at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dated: May 19, 1976.

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

Accordingly, it is hereby proposed to amend Parts 13 and 17, Subchapter B, Chapter I of Title 50, Code of Federal Regulations, as follows:

1. The title of Subchapter B is changed by adding "and Plants" to read "Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants."

§ 13.3 [Amended]

2. In § 13.3 "and Plants" is added to the phrase "Endangered Wildlife" Part 17 to read "Endangered Wildlife and Plants" Part 17.

§ 13.12 [Amended]

3. In §§ 13.12(a)(2) and 13.12(a)(6) "or plants" is inserted after the word "wildlife."

4. In the list of permits in § 13.12(b) the entry under "Endangered wildlife permits" is changed to read as follows:

Endangered wildlife and plant permits:	
Scientific, propagation, and enhancement	17.22 17.72
Economic hardship	17.23 17.73
Threatened wildlife and plant permits:	
General	17.32 17.82
Captive self-sustaining populations (wildlife only)	17.33

§ 13.21 [Amended]

5. In § 13.21(b)(4) "or plant" is inserted between the words "wildlife" and "population" to read: "The authorization requested potentially threatens a wildlife or plant population, or."

§ 13.42 [Amended]

6. In § 13.42 "or plants" is inserted between the word "wildlife" and the comma that follows to read: "* * * dates, places, methods of taking, numbers and kinds of wildlife or plants, location of activity, * * *"

§ 13.46 [Amended]

7. In § 13.46 add the words "or any transportation, sale, purchase, barter, exportation or importation of plants" at the end of the first sentence. Change the last word in the first sentence from "permit" to "permits." Substitute the words "wildlife or plant, as appropriate," for the word "wildlife" in the second sentence. The amended portions of these sentences then would read:

"* * * shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of any such wildlife or plant, as appropriate, pursuant to such permit.", and

"* * * persons with whom any wildlife or plant, as appropriate, has been purchased, sold, * * *" respectively.

§ 13.47 [Amended]

8. In § 13.47 "or plant" is inserted between the words "wildlife" and "held" to read: "* * * enter his premises at any reasonable hour to inspect any wildlife or plant held or to inspect, audit, * * *"

§ 17.3 [Amended]

9. In § 17.3 the following definition is added, between the definitions of "Native village or town" and "Population":

"Plant" means any member of the plant kingdom, including seeds, roots and other parts thereof;".

10. The previously "reserved" § 17.12 should now be added to read as follows:

Subpart B—Lists

§ 17.12 Endangered and Threatened Plants.

(a) The list in this section contains all species of plants which are determined by the Director to be Endangered or Threatened. It also contains species of plants treated as Endangered or Threatened because they are similar in appearance to an Endangered or Threatened Species (see Subpart E).

(b) The columns entitled "Common Name" and "Scientific Name" define the "species" of plant within the meaning of the Act. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names are included, they cannot be relied upon for identification of any specimen, since such names vary greatly in local usage.

(c) If the "Status" column has an "E", that species is thereby designated as Endangered. If the "Status" column has a "T", that species is thereby designated as Threatened. The notation (S/A) indicates that species or specimens thereof are so similar in appearance to an Endangered or Threatened Species that enforcement personnel have substantial difficulty in differentiating between them. This difficulty poses an additional threat to the Endangered or Threatened species. These similar species or specimens thereof will be treated as if they are or derive from an Endangered or a Threatened Species. Such treatment will substantially facilitate enforcement and further the policy of the Act.

(d) For information purposes only, the "Known Distribution" column will indicate the normal known distribution of a species or subspecies. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The column entitled "Portion of the Range Where Endangered or Threatened" designates that portion of the range of the species over which it is Endangered or Threatened. The Act requires that the species must be Endangered or Threatened over all or a significant portion of its range in order to be listed. When a species is listed because it is similar in appearance to an Endangered or Threatened Species, this requirement does not apply. Therefore, the notation "N/A" (not applicable) will appear in this column.

(f) For information purposes only, the "When Listed" column provides a footnote reference to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "Special Rules" column is a reference to any special rules. The letters "N/A" (not applicable) appearing in this column indicate that there are no such special rules which apply to that species. However, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B (Parts 10–22) that also relate to such plants, such as port-of-entry requirements, etc. It is not intended that the references in the "Special Rules" column list all the regulations of the Service or other Federal or State agencies which might apply to the plant in question, or the regulations of other Federal, State or local agencies.

(h) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Lewisia* were listed, all species, subspecies and varieties of that genus would be considered to be listed. If the species *Lewisia columbiana* were listed, all subspecies and varieties would be considered to be listed.

12. Sections 17.50, 17.51, and 17.52 are changed to read as indicated below:

Subpart E—Similarity of Appearance

§ 17.50 General.

(a) Whenever the Director determines that a species which is not Endangered or Threatened closely resembles an endangered or threatened species, such species shall be treated as either Endangered or Threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 (Wildlife) or § 17.12 (Plants) with the notation "S/A" in the "Status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as Endangered or Threatened.

(b) In determining whether to treat a species as Endangered or Threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an Endangered or Threatened species especially where: (i) The distinction between the Endangered or Threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the Endangered or Threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving Endangered or Threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the Endangered or Threatened species, or (ii) providing, where the species is treated as Threatened, special rules in Subpart D (Wildlife) or G (Plants) of this part to distinguish the similar species from the Endangered or Threatened species.

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	Not applicable	North America	Entire	E	7	Not applicable.
ABD sparrow	*ABDus*	do	do	Not applicable	E(S/A)	7	Do.

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the act, the ABC sparrow as defined by geographic boundaries is a species. The ABC sparrow which occurs beyond those boundaries is a different species, even though it is identical, except in location, to the listed species. If the criteria of this section were met, the 2 species could be listed as follows:

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	Idaho	Idaho	Entire	E	7	Not applicable.
Do	do	Not applicable	United States	Not applicable	E(S/A)	7	Do.

Example 3. The XY cactus has been determined to be an endangered species pursuant to sec. 4 of the act. The YZ cactus so closely resembles the endangered XY cactus that law enforcement personnel cannot readily distinguish between the 2. The endangered XY cactus could be illegally sold in interstate commerce as the nonendangered YZ species, and this potential screen for poaching poses an additional threat to the survival of the endangered species. After following the proper procedures, the YZ cactus also would be placed on the list and treated as though it was an endangered species. This entry would appear as indicated below:

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
Cactus, XY	*XYum*	Not applicable	Arizona	Entire	E	7	Not applicable
Cactus, YZ	*YZum*	do	Arizona and New Mexico	Not applicable	E(S/A)	8	Do.

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11 or § 17.12 pursuant to § 17.50, shall be treated as Endangered or Threatened, as indicated in the "Status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife), D (Threatened Wildlife), G (Endangered Plants) or H (Threatened Plants), as appropriate, shall apply to any such species.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application, and unless otherwise indicated in a special rule the Director may issue permits for any activity otherwise prohibited with a species designated as Endangered or Threatened due to its similarity of appearance with an Endangered or Threatened Species (see Subpart E—Similarity of Appearance).

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the Origin of the wildlife or plant (or if born in captivity or cultivated, the place where born or cultivated) in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, certification or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife or plant in question so as to distinguish it from any endangered or threatened wildlife or plant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife or plant, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife or plant at all times.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

13. Add a new subpart G, consisting of §§ 17.71, 17.72, and 17.73 and reading as follows:

Subpart G—Endangered Plants

§ 17.71 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.72 or 17.73, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (d) of this section in regard to any endangered plant.

(b) *Import or export.* It is unlawful to import or to export any Endangered plant. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any Endangered plant.

(d) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any Endangered plant.

(2) An advertisement for the sale of any Endangered plant which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.72 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.71, in accordance with the issuance criteria of this section, for scientific research or for enhancing the propagation or survival of endangered plants. (See § 17.82 for permits for threatened species) such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.71. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include as an

attachment, all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, kind of specimen(s), and the activity sought to be authorized (such as exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the plant sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) derives from cultivated stock;

(3) A resumé of the applicant's attempts to obtain the plant sought to be covered by the permit in a manner which would not cause the death, the loss of reproductive ability, or removal from the wild of such plant;

(4) If the plant sought to be covered by the permit has already been removed from the wild, the month, year, country and place where such removal occurred; if the plant sought to be covered by the permit derives from cultivated stock, the country and place where such plant was cultivated;

(5) A complete description and address of the institution or other facility where the plant sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live plants covered by the permit:

(i) A complete description, including photographs or diagrams, of the area and facilities where such plant will be housed, maintained and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such plant including any experience the applicant or his personnel have had in growing, caring for, and propagating similar plants, or any closely related plant;

(iii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data or records relating to the success of such efforts, techniques used and related information;

(iv) A detailed description of the type, size and construction of all containers into which such plant will be placed during transportation or temporary storage, if any, and of the arrangements for watering and otherwise caring for such plant during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other plant of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the plant sought to be covered by the permit; and

(iv) The planned disposition of such plant upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit:

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the plant sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of plant sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of any living plant covered by the permit shall be immediately reported to the Service's office designated in the permit.

(3) The remains of any dead plant covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.73 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.71, in accordance with the issuance criteria of this section in order to prevent undue economic hardship.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.71. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the information required in § 17.72 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the plant sought to be covered by the permit (as well as his involvement with similar plants), including, where applicable, that portion of applicant's income derived from activities involving such plants, or the subsistence use of such plants, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such plant as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such plant as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b)(2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of review of the status of the species or the notice of proposed rulemaking proposing to list such plant as endangered was published in the FEDERAL REGISTER, whichever is earlier;

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b) (4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence use generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review the status of such plant or to list such plant as Endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of all living plants covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER advising to the review of the status of such plant or proposing to list such plant as endangered, whichever is earlier.

14. Add a new Subpart H, consisting of §§ 17.81 and 17.82 as follows:

Subpart H—Threatened Plants

§ 17.81 Prohibitions.

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.71 shall apply to Threatened plants.

(b) Whenever a special rule in §§ 17.83 to 17.88 applies to a Threatened Species, none of the provisions of paragraph (a) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

§ 17.82 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to Threatened plants. Such permit shall be governed by the provisions of this section unless a special rule applicable to the plant, appearing in §§ 17.83 to 17.88, below, provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or botanical exhibition; or educational purposes; or management by State conservation agencies; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application form (Form 3-200) provided by the Service, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, kind of specimen(s), and the activity sought to be authorized (such as exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the plant sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) derives from cultivated stock;

(3) A résumé of the applicant's attempts to obtain the plant sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such plant;

(4) If the plant sought to be covered by the permit has already been removed from the wild, the month, year, country, and place where such removal occurred; if the plant sought to be covered by the permit derives from cultivated stock, the country and place where such plant was cultivated;

(5) A complete description and address of the institution or other facility where the plant sought to be covered by the permit will be used, displayed or maintained;

(6) If the applicant seeks to have live plants covered by the permit:

(i) A complete description, including photographs or diagrams, of the area and facilities where such plant will be housed, maintained and cared for:

(ii) A brief resumé of the technical expertise of the persons who will care for such plants including any experience the applicant or his personnel have had in growing, caring for, and propagating similar plants, or any closely related plants;

(iii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data or records relating to the success of such efforts, techniques used and related information;

(iv) A detailed description of the type, size and construction of all containers into which such plants will be placed during transportation or temporary storage, if any, and of the arrangements for watering and otherwise caring for such plants during that period; and

(v) For the 5 years preceding the date of this application, a detailed description of all mortalities involving the species covered in the application (or any other plant of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the plant sought to be covered by the permit; and

(iv) The planned disposition of such plant upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested is adequate to justify removing from the wild or otherwise changing the status of the plant sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the plant sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the plant sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is requested would be likely to reduce the threat of extinction facing the species of plant sought to be covered by the permit;

(5) The opinion and views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death, destruction or loss of all living plants covered by the permit shall be immediately reported to the Service's office designated on the permit.

(3) The remains of any dead plant covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§§ 17.83—17.88 [Reserved]

[FR Doc.76-16383 Filed 6-4-76;8:45 am]

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